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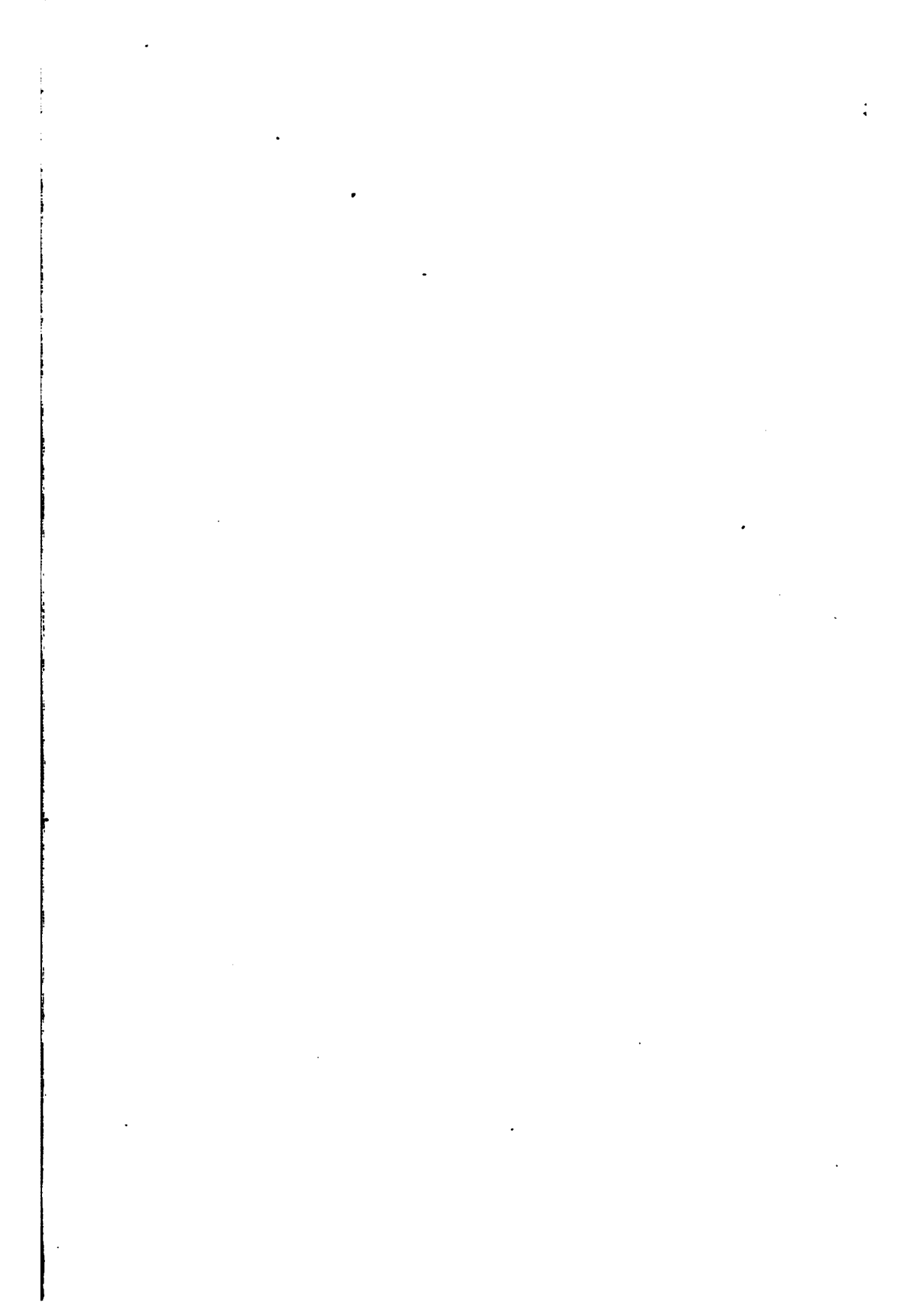
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Ohio Collections

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THE STATE OF OHIO

LEGISLATIVE ACTS

PASSED

AND

JOINT RESOLUTIONS

Adopted

BY THE

SEVENTY-EIGHTH GENERAL ASSEMBLY

At Its Regular Session

BEGUN AND HELD IN THE CITY OF COLUMBUS, JANUARY 3, 1910

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1910.

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VRABALL

GENERAL LAWS

[House Bill No. 1.]

AN ACT

To make sundry appropriations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following sum, for the purpose hereinafter specified, be, and the same is hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated:

ATTORNEY GENERAL.

Investigation of state treasury and treasurers
and other departments, offices and officers
of the state and political subdivisions and
litigation incident thereto..... \$20,000 00

Graft probe.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed Jan. 5th, 1910.

Approved Jan. 6th, 1910.

JUDSON HARMON,
Governor.
1.

[House Bill No. 3.]

AN ACT

To make sundry appropriations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be, and is hereby, appropriated from any moneys in the state treasury to the credit of the general revenue fund, and not otherwise appropriated, the sum of two hundred and fifty thousand (\$250,000.00) dollars for salaries and mileage of members, per diem of clerks, Salaries.

sergeants-at-arms and other officers and employes of the general assembly; ten thousand (\$10,000.00) dollars for contingent expenses of the house; five thousand (\$5,000.00) for contingent expenses of the senate.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed Jan. 19th, 1910.

Approved Jan. 26th, 1910.

JUDSON HARMON,
Governor.
2.

[House Bill No 4.]

AN ACT

Making sundry appropriations to pay the interest on the irreducible debt.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be, and is hereby appropriated, from any moneys that may be in the state treasury, or that may come into the state treasury, belonging to the sinking fund, the following sums, for the purposes hereinafter named:

Interest on
irreducible
debt.

For interest on irreducible debt of the state,
which constitutes the school, ministerial,
indemnity fund, Ohio University and
Ohio State University funds, falling due
January 1, 1910..... \$325,000 00

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

NATION O. MATHER,
President pro tem. of the Senate.

Passed Jan. 14th, 1910.

Approved Jan. 26th, 1910.

JUDSON HARMON,
Governor.
3.

[House Bill No. 5.]

AN ACT

To make appropriations for the support of the common schools of the state.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be, and is hereby appropriated, from any moneys raised or coming into the state treasury

for the support of the common schools, for the fiscal year ending November 15, 1910, the sum of two million four hundred and seventy thousand (\$2,470,000.00) dollars, to be distributed for that purpose at the rate of two (\$2.00) dollars for each enumerated youth; and paid in the manner provided by section 3956 of the Revised Statutes of Ohio.

Support of
common
schools.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
NATION O. MATHER,
President pro tem. of the Senate.

Passed Jan. 14th, 1910.

Approved Jan. 26th, 1910.

JUDSON HARMON,

Governor.

4.

[House Bill No. 7.]

AN ACT

Making appropriations for the Miami University, the Ohio University, the state normal school or college of the Ohio University, the state normal school or college of the Miami University, the Ohio State University, and for the normal and industrial department of the Wilberforce University.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "The Miami University fund" not otherwise appropriated for the last three-quarters of the fiscal year ending November 15, 1910, and the first quarter of the fiscal year ending November 15, 1911, the sum of sixty-five thousand dollars, or as much of such sums as may come into the treasury to the credit of said fund; to be applied to the uses and purposes of the Miami University according to law.

Miami
University.

SECTION 2. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "The Ohio University fund" not otherwise appropriated for the last three-quarters of the fiscal year ending November 15, 1910, and for the first quarter of the fiscal year ending November 15, 1911, the sum of sixty-five thousand dollars, or as much of such sums as may come into the treasury to the credit of said fund; to be applied to the uses and purposes of the Ohio University according to law.

Ohio
University.

SECTION 3. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "the Ohio normal school fund" not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1910, and for the first quarter of the fiscal year ending November 15, 1911, the sum of

Ohio University (Normal School).

forty thousand dollars, or as much of such funds as may come into the treasury to the credit of said fund; to be applied to the uses and purposes of the state normal school or college of the Ohio University according to law.

Miami University (Normal School).

SECTION 4. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "the Miami normal school fund" not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1910, and the first quarter of the fiscal year ending November 15, 1911, the sum of thirty thousand dollars, or as much of such sums as may come into the treasury to the credit of said fund; to be applied to the uses and purposes of the state normal school or college of the Miami University according to law.

O. S. U.

SECTION 5. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "the Ohio State University fund" not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1910, and for the first quarter of the fiscal year ending November 15, 1911, the sum of four hundred and twenty-five thousand dollars, or as much of such sums as may come into the treasury to the credit of said fund; to be applied to the uses and purposes of the Ohio State University according to law.

Wilberforce University.

SECTION 6. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "the normal and industrial department of the Wilberforce University fund" not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1910, and for the first quarter of the fiscal year ending November 15, 1911, the sum of thirty thousand dollars, or as much of such sums as may come into the treasury to the credit of said fund; to be applied to the uses and purposes of the normal and industrial department of the Wilberforce University according to law.

SECTION 7. That the different appropriations hereinbefore provided for are made in accordance with the provisions of house bill No. 45 and house bill No. 665, passed April 2, 1906, presented to the governor April 3, 1906, and filed in the office of the secretary of state, April 16, 1906.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

NATION O. MATHER,

President pro tem. of the Senate.

Passed Jan. 14th, 1910.

Approved Jan. 26th, 1910.

JUDSON HARMON,

Governor.

[Senate Bill No. 1.]

AN ACT

To amend sections 4, 7, 8 and 9 of an act to provide for the election of assessors of real property, passed March 12th, 1909, and approved March 12, 1909.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4, 7, 8, and 9 of an act to provide for the election of assessors of real property, passed March 12th, 1909, and approved March 12th, 1909, be amended so as to read as follows:

Sec. 4. The auditor of each county shall upon the passage hereof, and on or before the 10th day of January, of every fourth year thereafter, make out and deliver to the assessor of each village and township in his county, and to the board of assessors of each city in his county, an abstract from the books, in his office, containing a description of each tract and lot of real property situate within such village, township, or city, as the case may be, with the name of the owner thereof, if known, and the number of acres or quantity of land contained therein as the same shall appear on his books; and also a map of each township and village within each township and of each city within his county, with such plat books as may be necessary to enable the village and township assessors and the board of city assessors to make a correct plat of each section, survey, and tract in their respective districts.

Auditor's
abstract, what
to contain.

Sec. 7. Any board of real estate assessors in any city elected under the provisions of this act which shall deem it necessary to enable them to complete within the time herein prescribed the proper listing and valuation of the real property within such municipality shall have power to employ a chief clerk and appoint such expert assistance, as such board may deem necessary, and fix their compensation, which shall be paid out of the county treasury upon the order of said board of assessors and the warrant of the county auditor, and such incidental expenses as such board shall deem necessary, shall be paid out of the county treasury in like manner, provided, however, that the total cost of any quadrennial appraisalment in any city shall not exceed the sum of one-twentieth of one per cent. of the total tax duplicate of said city for the year next preceding that in which said quadrennial appraisalment is made, unless said excess shall have been authorized by the board of county commissioners and county auditor of the county in which said city is situated prior to the incurring of any such excess expense, and shall have been incurred in accordance with such reasonable provisions and regulations as may have been prescribed by such board of county commissioners and county auditor.

Clerks; ap-
pointment,
compensation,
etc.

Maximum
cost.

Sec. 8. In cities the board of real estate assessors shall cause to be printed in pamphlet form a list showing all the

List of owners, pamphlet form.

real estate owners in the ward or district, together with the lot numbers, and the street number if any, feet frontage and valuation made by them of each parcel of real estate, and cause a copy of the same to be mailed to each and every owner of real estate in the ward or district. In townships and villages the auditor shall cause to be printed in pamphlet form a list showing all real estate in such township or village, together with the lot number, and the street number if any, township, range, survey, acreage and valuation made by them, as the case may be, and cause a copy of the same to be mailed to each and every owner of real estate in their respective political divisions. The expense of preparing, printing and circulating all pamphlets in cities as above provided for shall be paid out of the county treasury upon the order of said board of assessors and the warrant of the county auditor.

Village assessor; salary.

Sec. 9. In each village there shall be elected in all respects according to the provisions of this act one real estate assessor who shall have the same powers and duties as are hereinbefore conferred upon such assessors for townships and cities. And the county commissioners of each county shall fix the salary of the village assessors, which salary shall not be less than three dollars and fifty cents per day, and not to exceed one hundred and fifty dollars per month for the time necessarily employed in the performance of their duties, and which salary shall be paid monthly out of the county treasury upon allowance of the board of county commissioners, upon the warrant of the county auditor and if there shall be a vacancy for any cause, or if there shall be a failure to elect in any village of any county, such vacancy or office shall be forthwith filled by the mayor of said village and confirmed by the council of such village. Each person so elected or appointed shall file with the county auditor his bond payable to the state with at least one good surety, to the acceptance of the auditor, in the sum of two thousand dollars, conditioned that he will diligently, faithfully and impartially perform all and singular the duties enjoined upon him by law, and he shall moreover take and subscribe on said bond an oath of office; and if any person so elected or appointed shall fail to give bond or shall fail to take an oath as required in this section within ten days after receiving notice from the county auditor so to do the office to which he was elected or appointed shall be considered vacant.

Bond; contents and where filed.

Any real estate assessor in any village or township elected or appointed under the provisions of this act who shall deem it necessary to enable him to complete within the time herein prescribed the proper listing and valuation of the real property within the village or township for which he has been elected or appointed, shall have power, on the approval of the county auditor, to appoint such assistants, as the assessor and county auditor may deem necessary. Each assistant so appointed shall give bond and take the

Assistants, appointment of; salary.

oath of office in the same amount, form and manner, as provided for the village and township assessors, and the county commissioners of each county shall fix the salary of the assistant assessors so appointed, which salary shall not be greater than that provided for the assessor in the same village or township, and which salary shall be paid monthly out of the county treasury upon the allowance of the board of county commissioners, upon the warrant of the county auditor. And in townships and villages the power and authority is hereby given to the board of county commissioners and auditor of each county, and in cities, to the mayor, president of council and county auditor, to determine and limit, between the dates provided, the time necessary for each real estate assessor or board of real estate assessors to perform the duties required of them under this act. Time Limit.

SECTION 2. That said original sections 4, 7, 8 and 9 be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed January 31st, 1910.

Approved Jan. 31st, 1910.

JUDSON HARMON,
Governor.
6.

[House Bill No. 2.]

AN ACT

To make appropriations to pay deficiencies authorized by the emergency board.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following sums be, and the same are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, to pay deficiencies as herein specified, to-wit: Authorized deficiencies.

OHIO NATIONAL GUARD.

| | |
|--|------------|
| Camp pay | \$1,870 25 |
| Subsistence | 764 57 |
| Transportation | 915 86 |
| Horse hire, forage, fuel, lumber, straw and medical supplies | 97 50 |
| Per diem Company A, 2nd Infantry, O. N. G., protecting property during storm and fire at Findlay, February 15, 1909..... | 62 95 |
| Pay O. N. G., Bridgeport riot..... | 19,204 39 |

ATTORNEY GENERAL.

Authorized
deficiencies.

Costs in cases brought by state..... \$800 00

CHIEF EXAMINER OF STEAM ENGINEERS.

Contingent expenses \$600 00

File cases 163 75

COMMISSIONERS OF PUBLIC PRINTING.

For printing paper..... \$10,000 00

SUPREME COURT AND LAW LIBRARY.

Contingent expenses \$1,347 55

OHIO PENITENTIARY.

Two direct connecting power units with aux-
iliaries, extra switchboard..... \$52,710 00

Four automatic stokers..... 6,825 00

One electric traveling crane..... 6,825 00

Boiler auxiliaries, pumps, feed water heaters
and steam connections..... 15,960 00

GIRLS' INDUSTRIAL HOME.

Building and furnishing two new cottages.... \$1,634 45

OHIO STATE SANATORIUM—CONSTRUCTION COMMISSION.

Six cottages, construction and equipment..... \$800 00

Moving buildings, construction and equipment 11,556 50

Installing telephone system and annunciators.. 2,000 00

OHIO HOSPITAL FOR EPILEPTICS.

Current expenses \$3,500 00

Ordinary repairs and improvements..... 3,500 00

INSTITUTION FOR FEEBLE-MINDED YOUTH.

Two cow barns and sewerage for same..... \$6,500 00

MIAMI UNIVERSITY.

Heating and electrical services from central
heating plant to women's college..... \$5,297 36

OHIO UNIVERSITY.

For heating, lighting and interior changes in
women's dormitory \$5,448 00

WILBERFORCE UNIVERSITY.

| | | |
|--|----------|-----------------------------|
| One feed pump for boilers..... | \$100 00 | Authorized deficiencies. |
| Interest at the rate of four per cent. per annum to be paid on the approval of the chairman of the senate finance committee, the chairman of the house finance committee and the auditor of state..... | 439 85 | |

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 NATION O. MATHER,
President pro tem. of the Senate.

Passed Feb. 2nd, 1910.

Approved February 3rd, 1910.

JUDSON HARMON,

Governor.
7.

[House Bill No. 8.]

AN ACT

To make sundry appropriations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following sums, for the purposes hereinafter specified, be, and the same are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated: Sundry
appropriations.

STATE ARMORY BOARD.

Per diem and expenses of members..... \$605 21

STATE BOARD OF HEALTH.

General expenses \$781 45

STATE COMMISSIONER OF COMMON SCHOOLS.

Contingent expenses \$300 00

ATHENS STATE HOSPITAL.

Current expenses \$34,500 00

LONGVIEW HOSPITAL.

Current expenses..... \$13,000 00

TOLEDO STATE HOSPITAL.

Current expenses \$5,000 00

OHIO STATE SCHOOL FOR THE BLIND.

Sundry appropriations. Current expenses \$2,000 00

OHIO HOSPITAL FOR EPILEPTICS.

Current expenses \$10,000 00
 Ordinary repairs and improvements..... 1,000 00

GENERAL CODE.

For contingent fund of senate..... \$2,500 00
 For contingent fund of house..... 2,500 00

STATE BOARD OF ARBITRATION.

Per diem and expenses of members..... \$300 00

INSTITUTIONS FOR FEEBLE-MINDED YOUTH.

For purchase of cows..... \$3,750 00

OHIO PENITENTIARY.

Current expenses \$23,000 00
 Rewards to discharged convicts..... 1,000 00

MISCELLANEOUS.

John Wagner Sons Brewing Co., Sidney, Ohio,
 for refund of liquor tax paid under protest \$289 50

OHIO SOLDIERS' AND SAILORS' ORPHANS' HOME.

Current expenses \$8,000 00

EDGAR ERVIN,
Speaker pro tem. of the House of Representatives.
 NATION O. MATHER,
President pro tem. of the Senate.

Passed Feb. 15th, 1910.
 Approved Feb. 17th, 1910.

JUDSON HARMON,
Governor.

[House Bill No. 9.]

AN ACT

Making appropriations for the expenses incurred by the Joint select committee of the General Assembly of Ohio appointed in pursuance of Senate Joint Resolution No. 7 of the 78th General Assembly, regular session 1910, adopted January 20, 1910.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be and is hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, the sum of twenty-five hundred dollars for the expenses of the joint select committee of the general assembly of Ohio appointed in pursuance of senate joint resolution No. 7 entitled "joint resolution to provide for an investigation of the purchase, storage, sale and traffic of and in food products, food commodities, food supplies and of the prices of such products, commodities and supplies."

\$2,500.00 for
food probe.

The expenses incurred by said committee shall be paid upon proper vouchers signed by the chairman thereof, and said committee shall make and present to the general assembly an itemized statement of all moneys so expended.

Itemized
statement.

EDGAR ERVIN,

Speaker pro tem. of the House of Representatives.

NATION O. MATHER,

President pro tem. of the Senate.

Passed Feb. 15th, 1910.

Approved Feb. 17th, 1910.

JUDSON HARMON,

Governor.

9

[House Bill No. 350.]

AN ACT

To make appropriation to pay interest on deficiencies authorized by the emergency board.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following sum be, and the same is hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, to pay interest on deficiencies authorized by the emergency board at the rate of four per

Interest on
authorized
deficiencies.

cent. per annum to be paid on the approval of the chairman of the senate finance committee, the chairman of the house finance committee and the auditor of state. . . . \$92 42

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed Feb. 22nd, 1910.
Approved Feb. 26th, 1910.

JUDSON HARMON,
Governor.
10.

[House Bill No. 366.]

AN ACT

To amend section 9193 of the General Code, relating to the consent of municipalities in electric lighting.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 9193 of the General Code be amended so as to read as follows:

Municipal
control of
electricity.

Sec. 9193. In order to subject such companies to municipal control alone, no person or company shall place, string, construct or maintain a line, wire, fixture or appliance of any kind to conduct electricity for lighting, heating or power purposes through a street, alley, lane, square, place or land of a city or village without the consent of such municipality. This inhibition also extends to all levels above or below the surface of such public ways, grounds or places, as well as along their surfaces, but not to rights heretofore received through and exercised under, proceedings of a probate court.

Exception.

SECTION 2. That said original section 9193 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed Feb. 22nd, 1910.
Approved Feb. 26th, 1910.

JUDSON HARMON,
Governor.
11.

AN ACT

[House Bill No. 225.]

To repeal an act entitled, "An act to provide for the revision and consolidation of the statute laws of Ohio," passed April 2, 1906.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That an act entitled, "An act to provide for the revision and consolidation of the statute laws of Ohio," passed April 2, 1906, be and the same is hereby repealed.

Repeal.

The adjutant general shall take charge of all the state property now in the possession of the codifying commission and give his receipt for the same, and shall dispose of such property to the best advantage of the state.

Disposition of property.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed Feb. 24th, 1910.

Approved Mar. 2nd, 1910.

JUDSON HARMON,

Governor.

12.

[House Bill No. 53.]

AN ACT

To amend Section 3677 of the General Code, relating to the appropriation of property by municipalities to provide for a supply of water.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3677 of the General Code be amended to read as follows:

Sec. 3677. Municipal corporations shall have special power to appropriate, enter upon and hold, real estate within their corporate limits. Such power shall be exercised for the purposes, and in the manner provided in this chapter.

Appropriation of property.

1. For opening, widening, straightening, changing the grade of, and extending streets, and all other public places, and for this purpose the corporation may appropriate the right of way across railway tracks and lands held by railway companies, where such appropriation will not unnecessarily interfere with the reasonable use of the property so crossed by such improvement, and for obtaining material for the improvement of streets and other public places;

Street improvement, etc.

2. For parks, park entrances, boulevards, market places, and children's playgrounds;

3. For public halls and offices, and for all buildings and structures required for the use of any department;

4. For prisons, workhouses, houses of refuge and correction, and farm schools;

5. For hospitals, pesthouses, reformatories, crematories and cemeteries;

6. For levees, wharves and landings;

7. For bridges, aqueducts, viaducts and approaches thereto;

8. For libraries, university sites and grounds therefor;

Canal improvement.

9. For constructing, opening, excavating, improving or extending any canal, or water course, located in whole or in part within the limits of the corporation, or adjacent and contiguous thereto, and which is not owned in whole or in part by the state, or by a company or individual authorized by law to make such improvement;

10. For sewers, drains, ditches, public urinals, bathhouses, water-closets and sewage and garbage disposal plants and farms;

11. For natural and artificial gas, electric lighting, heating and power plants, and for supplying the product thereof;

12. For establishing esplanades, boulevards, park ways, park grounds, and public reservations in, around and leading to public buildings, and for the purpose of reselling such land with reservations in the deeds of such resale as to the future use of such lands, so as to protect public buildings and their environs, and to preserve the view, appearance, light, air and usefulness of public grounds occupied by public buildings and esplanades and park ways leading thereto.

Water supply.

13. For providing for a supply of water for itself and its inhabitants by the construction of wells, pumps, cisterns, aqueducts, water pipes, dams, reservoirs, reservoir sites and water works, and for the protection thereof; and to provide for a supply of water for itself and its inhabitants, any municipal corporation may appropriate property within or without the limits of the corporation; and for this purpose any such municipal corporation may appropriate in the manner provided in this chapter, any property or right or interest therein, theretofore acquired by any private corporation for any purpose by appropriation proceedings or otherwise. Either party to such appropriation proceedings shall have the same right to a change of venue as is now given by law in the trial of civil actions.

Change of venue.

SECTION 2. That said section 3677 of the General Code be and the same is hereby repealed.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed Mar. 9th, 1910.

Approved Mar. 10th, 1910.

JUDSON HARMON,

Governor.

[House Bill No. 60.]

AN ACT

To aid in defraying the expenses of maintaining permanent headquarters for the department of Ohio, Grand Army of the Republic, at Columbus.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be and is hereby appropriated from the general revenue fund of the state, not otherwise appropriated, the sum of twenty-five hundred dollars, for the fiscal year ending February 15th, 1911, to assist in defraying the expenses of maintaining permanent headquarters of the department of Ohio, Grand Army of the Republic, at the city of Columbus.

\$2,500.00 G. A.
R. headquar-
ters.

SECTION 2. The expenditures of this money shall be on vouchers drawn on the auditor of state and signed by the department commander, attested by the assistant adjutant general, department of Ohio, Grand Army of the Republic.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate

Passed Mar. 8th, 1910.

Approved Mar. 10th, 1910.

JUDSON HARMON,

Governor.
14.

[House Bill No. 241.]

AN ACT

To amend Section 1883 of the General Code, relating to the compensation of teachers and employees of the State School for Deaf.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 17. That section 1883 of the General Code be amended so as to read as follows:

Sec. 1883. No teacher or employe herein named shall reside at or be boarded in the institution, and the compensation of each shall not exceed the rate per annum specified in this section. The male teachers in the high school department, one thousand five hundred dollars; the male teachers in the intermediate department, one thousand three hundred and fifty dollars; the supervisory teacher of speech, one thousand two hundred dollars; the male teachers in the primary department, one thousand two hundred dollars; the female teachers nine hundred dollars; the instructress in the art of cutting, fitting and making wearing apparel for females, five hundred and fifty dollars.

Compensation
of teachers.

SECTION 2. That original section 1885 of the General Code be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Passed Mar. 8th, 1910.

Approved Mar. 10th, 1910.

JUDSON HARMON,

Governor.
 15.

[House Bill No. 6.]

AN ACT

To make partial appropriations for the last three-quarters of the fiscal year ending November 15, 1910, and the first quarter of the fiscal year ending February 15, 1911.

Be it enacted by the General Assembly of the State of Ohio:

Partial ap-
 propriations,
 1910-1911.

SECTION 1. That the following sums, for the purposes hereinafter specified, be, and the same are hereby, appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, to-wit:

ADJUTANT GENERAL'S DEPARTMENT.

| | |
|--|------------|
| Salary of adjutant general..... | \$3,500 00 |
| Salary of assistant adjutant general..... | 2,000 00 |
| Salary of assistant quartermaster general..... | 2,000 00 |
| Salary of chief clerk..... | 1,400 00 |
| Salaries of seven clerks at \$1,200 each..... | 8,400 00 |
| Salary of superintendent of state arsenal..... | 1,400 00 |
| Salary of two stenographers at \$720 each..... | 1,440 00 |
| Contingent expenses | 1,000 00 |

STATE HOUSE AND GROUNDS.

| | |
|--|----------|
| Salary of superintendent of laborers..... | \$900 00 |
| Salary of engineer..... | 1,000 00 |
| Salaries of five firemen..... | 4,120 00 |
| Salaries of two visitors' attendants..... | 1,440 00 |
| Salaries of two custodians of flag room..... | 1,440 00 |
| Salaries of two day policemen..... | 1,440 00 |
| Salaries of two night policemen..... | 1,600 00 |
| Salaries of ten regular laborers..... | 6,260 00 |
| Salaries of extra laborers and carpenter..... | 2,000 00 |
| Electric current for light and power for state house | 3,000 00 |
| Care and repair of heating apparatus..... | 1,000 00 |
| Fuel for state house..... | 2,000 00 |
| Material and repairs..... | 1,000 00 |

OHIO AGRICULTURAL EXPERIMENTAL STATION.

| | | |
|--------------------------------|-------------|--|
| Administration | \$10,000 00 | Partial ap- propriations, 1910-1911. |
| Agronomy | 4,750 00 | |
| Animal husbandry | 7,500 00 | |
| Botany | 2,500 00 | |
| Co-operative experiments | 8,500 00 | |
| Entomology | 3,000 00 | |
| Forestry | 4,000 00 | |
| Soils | 4,000 00 | |
| Chemistry | 1,500 00 | |
| Horticulture | 4,500 00 | |
| Nutrition | 2,000 00 | |

OHIO STATE BOARD OF AGRICULTURE.

| | |
|--|-------------|
| Encouragement of agriculture..... | \$10,000 00 |
| Suppression and prevention of diseases among live stock | 5,000 00 |
| Bonds due September 1..... | 20,000 00 |
| Interest on bonds due March 1 and September 1 | 2,000 00 |
| Receipts and balances..... | |

ATTORNEY GENERAL.

| | |
|---|------------|
| Salary of attorney general..... | \$6,500 00 |
| Salary of first assistant attorney general..... | 4,000 00 |
| Salary of second assistant attorney general... | 2,500 00 |
| Salary of chief clerk..... | 1,500 00 |
| Salary of Willis tax clerk..... | 1,200 00 |
| Salaries of two stenographers at \$1,200 each.. | 2,400 00 |
| Salary of messenger..... | 600 00 |
| Special counsel | 10,000 00 |
| Contingent expenses | 500 00 |
| Traveling expenses | 500 00 |
| Stenographic work | 500 00 |
| Costs in cases brought by state..... | 1,000 00 |

AUDITOR OF STATE.

| | |
|--|------------|
| Salary of auditor of state..... | \$6,500 00 |
| Salary of deputy auditor of state..... | 3,000 00 |
| Salary of chief clerk..... | 2,400 00 |
| Salaries of two public service corporation ex- aminers | 4,800 00 |
| Salaries of two inspectors and examiners of de- partments of state..... | 4,400 00 |
| Salary of bookkeeper and sinking fund clerk... | 2,200 00 |
| Salary of inspector of institutions..... | 2,000 00 |
| Salary of railroad and bank clerk..... | 1,950 00 |
| Salary of liquor tax deputy..... | 1,750 00 |
| Salary of liquor tax clerk..... | 1,750 00 |
| Salary of land clerk..... | 1,500 00 |

Partial ap-
propriations,
1910-1911.

| | |
|--|----------|
| Salary of filing clerk..... | 1,500 00 |
| Salary of secretary and cashier..... | 1,500 00 |
| Salary of general clerk..... | 1,500 00 |
| Salaries of two excise clerks..... | 2,850 00 |
| Salary of canal and trust fund clerk..... | 1,400 00 |
| Salary of statistical clerk..... | 1,350 00 |
| Salary of transcribing and record clerk..... | 1,350 00 |
| Contingent expenses | 1,000 00 |
| Traveling expenses | 1,000 00 |

STATE BOARD OF APPRAISERS AND ASSESSORS.

| | |
|---------------------------|----------|
| Contingent expenses | \$550 00 |
|---------------------------|----------|

OHIO STATE ARCHAEOLOGICAL AND HISTORICAL SOCIETY.

| | |
|---|------------|
| Current expenses | \$1,000 00 |
| Field work Fort Ancient and Serpent Mound.. | 1,000 00 |

STATE BOARD OF ARBITRATION.

| | |
|---------------------------------------|------------|
| Per diem and expenses of members..... | \$1,000 00 |
|---------------------------------------|------------|

SUPERINTENDENT OF BANKS.

| | |
|--|------------|
| Salary of superintendent..... | \$5,000 00 |
| Salary of chief examiner..... | 2,000 00 |
| Salaries of seven examiners at \$1,800 each... | 12,600 00 |
| Salary of chief clerk..... | 1,800 00 |
| Salary of bookkeeper..... | 1,200 00 |
| Salary of stenographer..... | 900 00 |
| Salaries of extra clerks..... | 1,500 00 |
| Traveling expenses | 3,000 00 |
| Rent | 800 00 |
| Contingent expenses | 500 00 |

BOARD OF STATE CHARITIES.

| | |
|---|------------|
| Salary of secretary | \$1,800 00 |
| Expenses of secretary..... | 600 00 |
| Salary of clerk | 900 00 |
| Salary of stenographer..... | 720 00 |
| Salary of messenger..... | 50 00 |
| Contingent expenses | 400 00 |
| Expenses of board of lady visitors..... | 300 00 |

STATE BOARD OF HEALTH.

| | |
|---|------------|
| Salary of secretary..... | \$3,500 00 |
| Salary of chief of laboratories..... | 3,000 00 |
| Salary of chief engineer..... | 2,000 00 |
| Salary of chief clerk..... | 2,000 00 |
| Salary of inspector of maternity boarding houses | 2,000 00 |

| | | |
|---|----------|--|
| Salaries of six assistant engineers..... | 6,340 00 | Partial ap- propriations, 1910-1911. |
| Salaries of four laboratory assistants..... | 4,800 00 | |
| Salary of record clerk..... | 1,000 00 | |
| Salary of correspondence clerk..... | 1,000 00 | |
| Salaries of four clerks..... | 2,760 00 | |
| Salaries of three stenographers..... | 1,620 00 | |
| Salaries of two laboratory helpers..... | 600 00 | |
| Salaries of two messengers..... | 840 00 | |
| Per diem and traveling expenses of members of board and employees..... | 1,500 00 | |
| Apparatus and supplies engineering depart- ment and laboratories..... | 1,000 00 | |
| Contingent expenses | 1,500 00 | |
| Salaries of extra laborers and clerks..... | 100 00 | |
| Rent | 1,500 00 | |

OHIO STATE BOARD OF PARDONS.

| | |
|--------------------------|------------|
| Salaries of members..... | \$3,000 00 |
| Expenses of members..... | 800 00 |

BOARD OF PUBLIC WORKS.

| | |
|---|------------|
| Salaries of members | \$8,700 00 |
| Traveling expenses of members..... | 800 00 |
| Salary of chief engineer..... | 3,000 00 |
| Salary of assistant engineer..... | 1,600 00 |
| Traveling expenses of engineers..... | 800 00 |
| Salary of secretary..... | 1,500 00 |
| Salary of stenographer and clerk..... | 700 00 |
| Land department | 4,000 00 |
| Contingent expenses | 500 00 |
| Miami and Erie Canal, for maintenance, bal- ances and receipts..... | |
| For reconstruction of Lock No. 1 at New Bre- men and reconstruction of aqueduct over Loramie Creek on the summit level..... | 15,000 00 |
| Southern Division Ohio Canal, for mainte- nance; balances and receipts..... | |
| Northern Division Ohio Canal; maintenance; balances and receipts..... | |

DAIRY AND FOOD COMMISSIONER.

| | |
|---|------------|
| Salary of food commissioner..... | \$4,000 00 |
| Expenses of commissioner..... | 750 00 |
| Salaries of two assistant commissioners at \$1,000 each | 2,000 00 |
| Expenses of two assistant commissioners..... | 1,500 00 |
| Salaries of twelve deputy inspectors for the col- lection of the liquor tax under the Cain law at \$1,300 each..... | 15,600 00 |
| Salary of chief clerk..... | 1,200 00 |

Partial ap-
propriations,
1910-1911.

| | |
|--|-----------|
| Salaries of two clerks..... | 2,200 00 |
| Salaries of extra clerks..... | 720 00 |
| Inspection, analyses and publication..... | 10,000 00 |
| Contingent expenses | 1,000 00 |
| Traveling expenses of liquor tax inspectors... | 5,000 00 |
| Contingent expenses for collection of liquor tax | 1,000 00 |

CHIEF EXAMINER OF STEAM ENGINEERS.

| | |
|--|------------|
| Salary of chief examiner..... | \$3,000 00 |
| Salary of assistant chief examiner..... | 1,800 00 |
| Salaries of ten district examiners at \$1,500 each | 15,000 00 |
| Salaries of three clerks, two at \$1,200 each, one at \$1,000 | 3,400 00 |
| Traveling expenses | 1,500 00 |
| Contingent expenses | 1,000 00 |

COMMISSIONERS OF FISH AND GAME.

| | |
|---------------------------------|------------|
| General expenses | \$6,000 00 |
| Fish hatcheries at London..... | 1,500 00 |
| Patrol boats, balances and..... | 1,500 00 |

BUREAU OF LABOR STATISTICS.

| | |
|--|------------|
| Salary of commissioner..... | \$3,000 00 |
| Traveling expenses of commissioner..... | 500 00 |
| Salary of chief clerk..... | 1,500 00 |
| Salary of stenographer..... | 900 00 |
| Salaries of three clerks at \$720.00 each..... | 2,160 00 |
| Contingent expenses | 3,000 00 |
| Employment offices— | |
| Salaries of five superintendents at \$1,500 each | 7,500 00 |
| Salaries of five clerks at \$720 each..... | 3,600 00 |

COMMISSIONERS OF PUBLIC PRINTING.

| | |
|---|-------------|
| For printing paper..... | \$30,000 00 |
| Salary of clerk | 500 00 |
| For printing paper and supplies for agricul- tural experiment station..... | 1,000 00 |

OHIO SOLDIERS' CLAIMS.

| | |
|---|------------|
| Salary of commissioner..... | \$2,500 00 |
| Traveling expenses | 100 00 |
| Salaries of two clerks at \$720 each..... | 1,440 00 |
| Salaries of extra clerks..... | 1,020 00 |
| Contingent expenses | 750 00 |

STATE COMMISSIONER OF COMMON SCHOOLS.

| | |
|---|------------|
| Salary of commissioner..... | \$4,000 00 |
| Traveling expenses of commissioner..... | 750 00 |

| | | |
|--|----------|--|
| Salaries of two school inspectors at \$2,000 each | 4,000 00 | Partial ap- propriations, 1910-1911. |
| Traveling expenses of two school inspectors at \$750 each | 1,500 00 | |
| Salary of chief clerk | 1,750 00 | |
| Salary of statistician | 1,500 00 | |
| Salary of examiner | 1,400 00 | |
| Salary of stenographer | 720 00 | |
| Salary of correspondence clerk | 720 00 | |
| Contingent expenses | 500 00 | |
| Per diem and expenses of state board of school examiners | 750 00 | |
| Boxing and shipping | 100 00 | |
| Publication and distribution of Arbor Day annual | 900 00 | |

EXECUTIVE DEPARTMENT.

| | |
|--|-------------|
| Salary of governor | \$10,000 00 |
| Salary of lieutenant governor | 1,500 00 |
| Salary of secretary to the governor | 5,000 00 |
| Salary of executive clerk | 3,000 00 |
| Salary of commission clerk | 1,500 00 |
| Salary of corresponding clerk | 1,500 00 |
| Contingent expenses, including newspapers... | 8,000 00 |

GEOLOGICAL SURVEY.

| | |
|---|------------|
| Geological survey, receipts and balances and... | \$2,500 00 |
| Illustrations of specimens | 150 00 |

STATE HIGHWAY DEPARTMENT.

| | |
|---|------------|
| Salary of commissioner | \$2,500 00 |
| Salary of assistant commissioner | 1,800 00 |
| Traveling expenses of commissioner, assistant commissioner and three assistant engineers at \$750 each | 3,750 00 |
| Salary of chief clerk | 1,200 00 |
| Salaries of three engineers at \$1,500 each | 4,500 00 |
| Salaries of four clerks at \$900 each | 3,600 00 |
| Contingent expenses | 1,000 00 |
| Rent of additional offices | 1,000 00 |
| State aid in road building, appropriation of 1910, and receipts and balances of an act "To provide for the registration, identifi- cation and regulation of motor vehicles," passed May 9, 1908, and acts amendatory and supplementary thereto | |

CHIEF INSPECTOR OF MINES.

| | |
|---|------------|
| Salary of chief inspector | \$2,000 00 |
| Traveling expenses of chief inspector | 780 00 |
| Salaries of ten district inspectors at \$1,200 each | 12,000 00 |

Partial ap-
propriations,
1910-1911.

| | |
|---|----------|
| Traveling expenses of ten district inspectors.. | 2,000 00 |
| Salary of chief clerk..... | 1,200 00 |
| Salary of stenographer..... | 900 00 |
| Salaries of extra clerks..... | 1,440 00 |
| Contingent expenses | 500 00 |
| Field supplies for district inspectors..... | 100 00 |

CHIEF INSPECTOR OF WORKSHOPS AND FACTORIES.

| | |
|--|------------|
| Salary of chief inspector..... | \$2,500 00 |
| Traveling expenses of chief inspector..... | 800 00 |
| Salary of assistant chief inspector..... | 2,500 00 |
| Traveling expenses of assistant chief inspector | 800 00 |
| Salary of high explosive inspector..... | 2,000 00 |
| Salaries of twenty-two district and two bake- shop inspectors at \$1,200 each | 28,800 00 |
| Traveling expenses of twenty-five inspectors... | 5,000 00 |
| Salaries of eight lady visitors at \$1,200 each.. | 9,600 00 |
| Traveling expenses of eight lady visitors..... | 2,000 00 |
| Salary of chief clerk..... | 1,800 00 |
| Salary of clerk..... | 1,200 00 |
| Salaries of three stenographers at \$840 each... | 2,520 00 |
| Contingent expenses | 600 00 |
| Office rent—Cleveland and Cincinnati..... | 350 00 |

INSURANCE DEPARTMENT.

| | |
|---|------------|
| Salary of superintendent..... | \$4,000 00 |
| Salary of deputy superintendent..... | 2,400 00 |
| Salary of actuary..... | 2,400 00 |
| Salary of chief clerk..... | 1,800 00 |
| Salary of examiner..... | 1,800 00 |
| Salary of statistician..... | 1,800 00 |
| Salary of warden | 1,800 00 |
| Salary of bookkeeper..... | 1,800 00 |
| Salary of first assistant actuary..... | 1,400 00 |
| Salary of second assistant actuary..... | 1,200 00 |
| Salary of correspondence clerk..... | 1,350 00 |
| Salary of assistant examiner..... | 1,200 00 |
| Salary of assistant statistician..... | 1,200 00 |
| Salary of license clerk..... | 1,200 00 |
| Salary of mailing clerk..... | 1,000 00 |
| Salary of janitor | 600 00 |
| Contingent expenses | 1,000 00 |
| Traveling and other expenses of superintendent and employes on official business and at meetings of actuaries and insurance de- partment officials | 3,400 00 |
| Salaries of extra clerks..... | 2,500 00 |

BUREAU OF BUILDING AND LOAN ASSOCIATIONS.

| | |
|--|------------|
| Salary of deputy inspector and supervisor of bond investment companies..... | \$3,000 00 |
|--|------------|

| | | |
|---|-----------|--|
| Salary of inspectors clerk..... | 1,350 00 | Partial ap- propriations, 1910-1911. |
| Salary of statistician | 1,350 00 | |
| Salary of correspondence clerk..... | 1,200 00 | |
| Salary of chief clerk..... | 1,200 00 | |
| Salary of mailing clerk..... | 200 00 | |
| Salary of janitor | 300 00 | |
| Salaries of nine examiners at \$1,800 each..... | 16,200 00 | |
| Traveling expenses of examiners and deputy inspector | 1,500 00 | |
| Contingent expenses | 300 00 | |

JUDICIARY.

| | |
|--------------------------------------|--------------|
| Salaries of judges..... | \$470,000 00 |
| Expenses of common pleas judges..... | 5,000 00 |

PROSECUTION AND TRANSPORTATION OF CONVICTS.

| | |
|---|--------------|
| Prosecution and transportation of convicts to Ohio penitentiary, state reformatory and boys committed to boys' industrial school..... | \$130,000 00 |
|---|--------------|

RAILROAD COMMISSION OF OHIO.

| | |
|--|-------------|
| Salaries of commissioners..... | \$15,000 00 |
| Salaries of clerks..... | 5,700 00 |
| Contingent expenses | 1,000 00 |
| Traveling expenses | 1,000 00 |
| Rent of offices | 2,500 00 |
| Uses and purposes of commission..... | |
| Inspector of automatic couplers and air brakes | |
| Receipts and balances..... | |

SECRETARY OF STATE.

| | |
|--|------------|
| Salary of secretary of state | \$6,500 00 |
| Salary of assistant secretary of state..... | 3,000 00 |
| Salary of stationery clerk..... | 1,500 00 |
| Salary of statistician..... | 1,500 00 |
| Salary of assistant statistician..... | 1,350 00 |
| Salary of recording clerk..... | 1,350 00 |
| Salary of assistant recording clerk..... | 1,200 00 |
| Salary of proof-reading clerk..... | 1,350 00 |
| Salary of corporation fee clerk..... | 1,350 00 |
| Salary of assistant corporation fee clerk..... | 1,350 00 |
| Salary of corporation clerk..... | 1,350 00 |
| Salary of assistant corporation clerk..... | 1,350 00 |
| Salary of stenographer | 1,350 00 |
| Salary of corporation stenographer..... | 1,200 00 |
| Salary of mailing clerk..... | 1,200 00 |
| Salary of superintendent of book room..... | 1,200 00 |
| Contingent expenses | 1,500 00 |
| Stationery fund | 5,000 00 |

BUREAU OF VITAL STATISTICS.

Partial ap-
propriations,
1910-1911.

| | |
|---|------------|
| Salary of state registrar..... | \$2,000 00 |
| Salary of chief statistician..... | 1,500 00 |
| Salary of statistical clerk..... | 840 00 |
| Salaries of two assistant statistical clerks at \$720 each | 1,440 00 |
| Salary of editor..... | 1,350 00 |
| Salaries of six stenographers at \$720 each.... | 4,320 00 |
| Salary of compiling clerk..... | 900 00 |
| Salary of chief card operator..... | 720 00 |
| Salaries of four assistant card operators at \$600 each | 2,400 00 |
| Salary of chief certificate clerk..... | 900 00 |
| Salary of assistant certificate clerk..... | 720 00 |
| Salary of file clerk..... | 720 00 |
| Salary of shipping clerk..... | 600 00 |
| Salary of messenger..... | 480 00 |
| Contingent expenses | 4,000 00 |

STATE LIBRARY.

| | |
|--|------------|
| Salary of librarian..... | \$3,000 00 |
| Salary of assistant librarian..... | 1,200 00 |
| Salary of library assistants..... | 4,000 00 |
| Salary of assistant secretary and stenographer | 900 00 |
| Salary of document clerk..... | 960 00 |
| Salary of janitor..... | 900 00 |
| Books and papers..... | 2,000 00 |
| Contingent expenses and extra labor..... | 600 00 |
| For traveling library department..... | 4,000 00 |
| Expenses of commission..... | 500 00 |
| For department of library organization..... | 1,000 00 |

SUPERVISOR OF PUBLIC PRINTING.

| | |
|----------------------------|------------|
| Salary of supervisor..... | \$2,000 00 |
| State printing | 20,000 00 |
| State bindery | 20,000 00 |
| Contingent expenses | 450 00 |
| Machinery and repairs..... | 1,000 00 |
| Typewriting | 300 00 |

SUPREME COURT AND LAW LIBRARY.

| | |
|---|------------|
| Salary of marshal and law librarian..... | \$2,500 00 |
| Salary of assistant librarian and accession clerk | 1,700 00 |
| Salary of assistant librarian..... | 1,200 00 |
| Salary of first deputy marshal..... | 1,350 00 |
| Salary of second deputy marshal..... | 1,200 00 |
| Salary of third deputy marshal..... | 1,000 00 |
| Salary of messenger..... | 1,000 00 |
| Salary of first stenographer..... | 1,200 00 |
| Salary of second stenographer..... | 1,000 00 |

| | | |
|---|----------|--|
| Contingent expenses, including porters..... | 2,000 00 | Partial ap- propriations, 1910-1911. |
| Books and legal publications for law library.. | 1,000 00 | |
| Salaries of two elevator attendants for two months | 240 00 | |

CLERK OF THE SUPREME COURT.

| | |
|-------------------------------------|------------|
| Salary of clerk..... | \$4,000 00 |
| Salary of first deputy clerk..... | 1,800 00 |
| Salary of second deputy clerk..... | 1,500 00 |
| Salary of correspondence clerk..... | 1,200 00 |
| Salary of messenger..... | 700 00 |
| Contingent expenses | 800 00 |

REPORTER OF SUPREME COURT.

| | |
|---------------------------|------------|
| Salary of reporter..... | \$4,000 00 |
| Contingent expenses | 1,500 00 |

TOPOGRAPHIC SURVEY.

| | |
|--|-------------|
| For co-operation with the U. S. geological sur- vey, in the preparation and completion of a contour topographic survey and map of this state, balances and..... | \$15,000 00 |
| To be paid upon vouchers approved by the gov- ernor, and the governor is hereby authorized to arrange for carrying on such work with the representatives of the U. S. geological survey; and if he finds it necessary to have an assistant in this work he may employ a competent person and pay him a reasonable compensation out of this appropriation... | |

TREASURER OF STATE.

| | |
|--|------------|
| Salary of treasurer of state..... | \$6,500 00 |
| Salary of cashier..... | 3,400 00 |
| Salaries of two bookkeepers at \$1,800 each..... | 3,600 00 |
| Salaries of two night watchmen..... | 1,800 00 |
| Salary of stenographer..... | 720 00 |
| Contingent expenses | 1,000 00 |

OHIO PENITENTIARY.

| | |
|--|-------------|
| Current expenses | \$50,000 00 |
| Salaries of managers..... | 5,000 00 |
| Salaries of officers..... | 10,000 00 |
| Salaries of guards..... | 30,000 00 |
| Ordinary repairs and improvements..... | 1,000 00 |
| Rewards to discharged convicts..... | 2,000 00 |
| Expenses of executions..... | 200 00 |
| Religious services and library..... | 400 00 |
| Salary of superintendent of farm..... | 1,200 00 |
| Material and equipment for custodial farm... | 4,000 00 |

OHIO STATE REFORMATORY.

Partion ap-
propriations,
1910-1911.

| | |
|--|-------------|
| Current expenses | \$30,000 00 |
| Salaries of managers..... | 6,000 00 |
| Salaries of officers..... | 32,000 00 |
| Salaries of guards..... | 20,000 00 |
| Rewards to outgoing prisoners..... | 1,000 00 |
| Ordinary repairs and improvements..... | 6,000 00 |
| Receipts and balances..... | |

BOYS' INDUSTRIAL SCHOOL.

| | |
|--|-------------|
| Current expenses, receipts from clothing, miscellaneous receipts and..... | \$50,000 00 |
| Salaries of officers, teachers and trustees' expenses | \$20,000 00 |
| Ordinary repairs and improvements..... | 5,000 00 |
| Provided that the exceptions to the Ohio penitentiary in section 2314 of the general code, shall be extended to the boys' industrial school. | |

GIRLS' INDUSTRIAL HOME.

| | |
|---|-------------|
| Current expenses, receipts from clothing, miscellaneous receipts and..... | \$25,000 00 |
| Salaries of officers, teachers and trustees' expenses | 12,000 00 |
| Ordinary repairs and improvements..... | 5,000 00 |
| Furniture and carpets..... | 1,000 00 |
| Musical instruments, books and amusements.. | 500 00 |

ATHENS STATE HOSPITAL.

| | |
|---|-------------|
| Current expenses, receipts from clothing, miscellaneous receipts and..... | \$50,000 00 |
| Salaries of officers and trustees' expenses..... | 3,000 00 |
| Ordinary repairs and improvements..... | 5,000 00 |

CLEVELAND STATE HOSPITAL.

| | |
|---|-------------|
| Current expenses, receipts from clothing, miscellaneous receipts and..... | \$60,000 00 |
| Salaries of officers and trustees' expenses..... | 4,000 00 |
| Ordinary repairs and improvements..... | 5,000 00 |

COLUMBUS STATE HOSPITAL.

| | |
|---|-------------|
| Current expenses, receipts from clothing, miscellaneous receipts and..... | \$90,000 00 |
| Salaries of officers and trustees' expenses..... | 3,000 00 |
| Ordinary repairs and improvements..... | 10,000 00 |

DAYTON STATE HOSPITAL.

| | | |
|---|-------------|---------------------------------------|
| Current expenses, receipts from clothing, miscellaneous receipts and..... | \$40,000 00 | Partial appropriations, 1910-1911. |
| Salaries of officers and trustees' expenses..... | 3,000 00 | |
| Ordinary repairs and improvements..... | 5,000 00 | |

LIMA STATE HOSPITAL.

| | |
|---------------------------------------|------------|
| Salaries of commissioners..... | \$3,000 00 |
| Expenses of commission..... | 500 00 |
| Salary of clerk of commission..... | 1,200 00 |
| Salary of superintendent of farm..... | 300 00 |

LONGVIEW HOSPITAL.

| | |
|--|-------------|
| Salaries of officers and trustees' expenses..... | 4,000 00 |
| Ordinary repairs and improvements..... | 5,000 00 |
| Current expenses | \$65,000 00 |

MASSILLON STATE HOSPITAL.

| | |
|---|-------------|
| Current expenses, receipts from clothing, miscellaneous receipts and..... | \$60,000 00 |
| Salaries of officers and trustees' expenses..... | 4,000 00 |
| Ordinary repairs and improvements..... | 5,000 00 |

OHIO STATE SANATORIUM.

| | |
|--|-------------|
| Current expenses, miscellaneous receipts and.. | \$25,000 00 |
| Salaries of officers and trustees' expenses..... | 2,000 00 |
| Fire hose and fire equipment..... | 1,000 00 |

TOLEDO STATE HOSPITAL.

| | |
|---|-------------|
| Current expenses, receipts from clothing, miscellaneous receipts and..... | \$80,000 00 |
| Salaries of officers and trustees' expenses..... | 4,000 00 |
| Ordinary repairs and improvements..... | 5,000 00 |

OHIO STATE SCHOOL FOR THE BLIND.

| | |
|--|-------------|
| Current expenses, receipts from clothing, miscellaneous receipts and..... | \$20,000 00 |
| Salaries of officers, teachers and trustees' expenses | 7,000 00 |
| Ordinary repairs and improvements..... | 4,000 00 |
| Pianos and school supplies..... | 1,000 00 |
| Industrial department | 2,000 00 |
| Unexpended balance appropriated for floors for dining room and kitchen be and the same is hereby appropriated for improving floors | |

OHIO COMMISSION FOR THE BLIND.

Partial ap-
propriations,
1910-1911.

| | |
|---|------------|
| Current expenses and prevention of blindness, balances and | \$1,000 00 |
|---|------------|

STATE SCHOOL FOR THE DEAF.

| | |
|--|-------------|
| Current expenses, receipts from clothing, mis- cellaneous receipts and..... | \$25,000 00 |
| Salaries of officers, teachers and trustees' ex- penses | 20,000 00 |
| Ordinary repairs and improvements..... | 4,000 00 |
| Foremen and supplies industrial pursuits..... | 3,500 00 |

OHIO HOSPITAL FOR EPILEPTICS.

| | |
|--|-------------|
| Current expenses, receipts from clothing, mis- cellaneous receipts and..... | \$80,000 00 |
| Salaries of officers and trustees' expenses..... | 4,000 00 |
| Ordinary repairs and improvements..... | 2,000 00 |

INSTITUTION FOR FEEBLE-MINDED YOUTH.

| | |
|--|-------------|
| Current expenses, receipts from clothing, mis- cellaneous receipts and..... | \$50,000 00 |
| Salaries of officers, teachers and trustees' ex- penses | 6,000 00 |
| Ordinary repairs and improvements..... | 5,000 00 |
| Ordinary repairs and improvements at custo- dial farm | 2,000 00 |
| Provided that the exceptions to the Ohio peni- tentiary in section 2314, General Code, shall be extended to the institution for feeble-minded youth | |

OHIO SOLDIERS' AND SAILORS' HOME.

| | |
|---|-----------|
| Current expenses and clothing, balances, amount received from the general govern- ment, miscellaneous receipts and..... | 36,000 00 |
| Salaries of officers and trustees' expenses..... | 4,000 00 |
| Ordinary repairs and improvements..... | 3,000 00 |

OHIO SOLDIERS' AND SAILORS' ORPHANS' HOME.

| | |
|--|-------------|
| Current expenses, miscellaneous receipts and. | \$50,000 00 |
| Salaries of officers, teachers and trustees' ex- penses | 10,000 00 |
| Ordinary repairs and improvements..... | 3,000 00 |
| Industrial pursuits | 3,000 00 |
| Salaries of foremen and instructors..... | 4,000 00 |
| Support orphans outside..... | 1,000 00 |
| Balances for improvement of grounds and es- tablishment of dairy— | |
| Bequest of Mary J. Heissem..... | |
| Bequest of John Ross..... | |

THE HOME OF THE OHIO SOLDIERS, SAILORS, MARINES, THEIR
WIVES, MOTHERS, WIDOWS AND ARMY NURSES.

| | | |
|--|------------|--|
| Maintenance | \$4,000 00 | Partial ap- propriations, 1910-1911. |
| Ordinary repairs and improvements..... | 500 00 | |
| Receipts and balances..... | | |

BUREAU OF INSPECTION AND SUPERVISION OF PUBLIC OFFICES.

General expenses

Receipts and balances

OHIO BOARD OF PHARMACY.

Receipts and balances

STATE FIRE MARSHAL.

Receipts and balances

STATE MEDICAL BOARD.

Receipts and balances

SECTION 2. The moneys appropriated in the preceding section shall not be in any way expended to pay liabilities or deficiencies existing prior to February 15, 1910, nor shall they be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid.

Prohibited
expenditures.

SECTION 3. No bills for clerk hire, for furniture or carpets or for newspapers shall be paid out of appropriations for contingent expenses; no bills for furniture or carpets shall be paid out of the appropriations made for current expenses of benevolent, penal or educational institutions.

No expenses of officers of any benevolent, penal or educational institution for attending any state, interstate or national association or conference shall be paid from the appropriations of such benevolent, penal or educational institution, unless the authority to attend such association or conference is granted at a meeting of the board of trustees or managers of such institution, upon a written resolution, adopted by the board, which shall state the purpose, time and place of meeting of such association or conference, and the reason the attendance at the same is deemed necessary and advisable, and said resolution, if adopted, shall then be submitted to the governor for his written approval, and, if he does not approve the same, the expenses for attending such association or conference shall not be paid from the appropriations of such benevolent, penal or educational institution. No money herein appropriated shall be drawn except upon a requisition upon the auditor of state, approved by the head of each department,

Prohibited
expenditures.

Manner of
disbursement.

Monthly
itemized ac-
count.

Extra clerk
hire prohibi-
tion.

or the trustees of the institution, which shall set forth in itemized form the service rendered, or material furnished, or expenses incurred, and the date of purchase, and the time of service, and showing that competitive bids were secured or that it was an emergency requiring purchase; and all institutions, boards, commissions, and departments to which appropriations are herein made shall render to the auditor of state a monthly itemized account of such receipts and expenditures, as may be required by such auditor of state; and such institutions, boards, commissions and departments shall be subject to inspection by the auditor of state; and it shall be the duty of the auditor of state to see that these provisions are complied with. No bills for extra clerk hire in favor of any clerk or clerks while drawing salaries from the state shall be allowed from any amount herein appropriated.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed Mar. 17th, 1910.

Approved Mar. 19th, 1910.

JUDSON HARMON,
Governor.
16.

[House Bill No. 306.]

AN ACT

To amend Sections 3131, 3132 and 3134 of the General Code, relative to County Hospitals.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3131, 3132 and 3134 of the General Code, be amended to read as follows:

Six trustees;
terms of
office.

Sec. 3131. At the next election of county officers, six trustees shall be elected who shall be citizens of the county, three of whom shall serve for two years and three for four years from the first Monday in January next following such election. At the expiration of such terms their successors shall be elected for a term of four years. The commissioners shall fill all vacancies in the board caused by death, resignation or removal from office, for the unexpired term.

Vacancies,
how filled.

Powers and
duties of
trustees.

Sec. 3132. Such trustees shall have charge of the purchase of the site, erection of buildings thereon for such hospital and its management and control of all its property. They shall give bond for the proper performance of their respective duties in such sums as the county commissioners require. Such trustees may receive and hold in trust for the use of the hospital any grant or devise of land, or any gift or bequest of money or other personal property that may be given for the erection or support of the hospital.

Sec. 3134. The board of hospital trustees shall hold meetings at least once a month, and shall adopt necessary rules for the regulation of its business, and keep a complete record of its proceedings. It shall elect one of its members clerk thereof and four members of the board shall constitute a quorum for the transaction of business. The board shall have entire management and control of the hospital and shall establish such rules for the government thereof and the admission of persons thereto as it deems expedient, it shall have control of the property of the hospital and deposit all money thereof with the county treasurer to be paid out on the warrant of the county auditor, issued only upon the order of the trustees.

Monthly
meetings.

Money, where
to be de-
posited.

SECTION 2. Said original sections 3131, 3132 and 3134 of the General Code are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed Mar 10th, 1910.

Approved Mar. 17th, 1910.

JUDSON HARMON,

Governor.
17.

[House Bill No. 77.]

AN ACT

To amend Section 7125 of the General Code, relating to the publication of the sale of bonds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7125 of the General Code be amended to read as follows:

Sec. 7125. The sale of all such bonds shall be advertised, once each week, for four consecutive weeks in two newspapers in the county and the secretary or clerk of the board shall send marked copies of such advertisement to at least ten leading bond buyers in the state or other states. Such bonds shall be sold to the highest responsible bidder and the road commissioners may reject any and all bids.

Advertisement.

Sale—to high-
est responsible
bidder.

SECTION 2. That said original section 7125 of the General Code be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed Mar. 15th, 1910.

Approved Mar. 17th, 1910.

JUDSON HARMON,

Governor.
18.

[House Bill No. 124.]

AN ACT

To amend Section 5022 of the General Code, relative to the indorsement on official ballots.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5022 of the General Code, be amended so as to read as follows:

Indorsements,
specified.

Sec. 5022. On the back of the ballot shall be printed "official ballot," the date of the election and facsimile of the signatures of the officers who have caused the ballots to be printed; provided, that all ballots containing names of candidates for municipal, township, board of education, and assessor or assessors of real property offices, shall have printed on the back, "official municipal ballot," "official township ballot," "official board of education ballot," "official assessor of real property ballot," or "official assessors of real property ballot," or by such other name as may properly describe the ballot, as the case may be, followed by the date of the election and facsimile of the signatures of the officers who have caused the ballots to be printed.

SECTION 2. That said section 5022 of the General Code, be and the same is hereby repealed.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passd Mar. 15th, 1910.

Approved Mar. 17th, 1910.

JUDSON HARMON,

Governor.

19.

[House Bill N. 23.]

AN ACT

To amend Section 8301 of the General Code, relating to holidays.

Holidays
specified.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That said section 8301 of the General Code relating to holidays be amended so as to read as follows:

Sec. 8301. The following days, viz:

1. The first day of January, known as New Year's Day;
2. The twenty-second day of February, known as Washington's Birthday;
3. The thirtieth day of May, known as Decoration or Memorial Day.
4. The fourth day of July, known as Independence Day;

5. The first Monday of September, known as Labor Day;

6. The twelfth day of October, known as Columbus Discovery Day. Columbus
Discovery Day.

7. The twenty-fifth day of December, known as Christmas Day;

8. Any day appointed and recommended by the governor of this state or the president of the United States as a day of fast or thanksgiving; and

9. Any day which may hereafter be made a legal holiday, shall for the purpose of this division, be holidays. But if the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, or the twenty-fifth day of December be the first day of the week, known as Sunday, the next succeeding secular or business day shall be a holiday. Sunday
provision.

SECTION 2. That said section 8301 of the General Code is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed Mar. 23rd, 1910.

Approved Mar. 25th, 1910.

JUDSON HARMON,
Governor.
20

[Senate Bill No. 65.]

AN ACT

To provide for the continuance of the office of common pleas judge, in the second sub-division of the Fourth Judicial District of the state, heretofore provided by an act of the General Assembly passed March 31, 1906, approved April 14, 1906, 98 v. O. L. 175.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there shall be elected in the second sub-division of the fourth judicial district consisting of the counties of Lorain, Medina and Summit, one judge of the court of common pleas for the fourth judicial district in addition to the number heretofore provided by law for said district. Such judge shall reside in said second sub-division of said district, and shall be elected at the general election for state and county officers in 1912. His term of office shall begin on the first Monday of January following his election and his successors shall be elected in such manner, and for such terms as is now or may hereafter be provided by law for the election and terms of common pleas judges.

Judge; elec-
tion and term.

SECTION 2. Such judge and his successors shall exercise the same powers and jurisdiction, and perform the same duties as other judges of the court of common pleas,

Compensation. and shall receive the same compensation as is now provided by law for other judges of the court of common pleas for said sub-division.

Any vacancy which may occur in said office shall be filled in the manner now or which hereafter may be provided by law.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

Passed March 15th, 1910. *President of the Senate.*

This bill was presented to the governor March 16, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state March 30, 1910.

JOHN W. DEVANNEY,

Veto Clerk.

21.

[Senate Bill No. 95.]

AN ACT

To supplement Section 3618 of the General Code by the enactment of supplemental section 3618-1 to authorize certain municipal corporations to buy gas, natural or artificial, for the use of the municipality and the inhabitants thereof for the purposes of light, power and heat.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3618 of the General Code be supplemented by the enactment of a supplemental section to be known as section 3618-1, as follows:

Gas; power
to purchase.

Ten-year
limit.

Sec. 3618-1. That any municipal corporation owning a municipal gas plant or system of gas distribution shall have the power to purchase gas, natural or artificial, and to furnish the same to said municipality and the inhabitants thereof for the purposes of light, power and heat. To carry out the power herein conferred, any such municipality is hereby authorized to make and execute a contract to purchase such gas through its appropriate boards or officers for any period not exceeding ten years, upon the council of such municipality authorizing and directing such contract to be made. Any such municipality may furnish and supply to its inhabitants any gas, natural or artificial, so purchased, on such terms and under such regulations as may be determined by the proper officers and authorities of said municipality.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed March 22nd, 1910.

Approved March 29, 1910.

JUDSON HARMON,

Governor.

22.

[Senate Bill No. 199.]

AN ACT

To amend Section 3672 of the General Code, relating to granting licenses, to exhibitors, hawkers, auctioneers and peddlers, for the purpose of correcting a typographical error.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3672 of the General Code be amended to read as follows:

Sec. 3672. To license exhibitors of shows or performances of any kind, not prohibited by law, hawkers, peddlers, auctioneers of horses and other animals on the highways or public grounds of the corporations, vendors of gun powder and other explosives, taverns and houses of public entertainment, and hucksters in the public streets or markets, and, in granting such license, may exact and receive such sum of money as it may think reasonable, but no municipal corporation may require of the owner of any product of his own raising, or the manufacturer of any article manufactured by him, license to vend or sell in any way, by himself or agent, any such article or product. Such council may confer upon, vest in and delegate to the mayor of the corporation authority to grant, issue and revoke licenses.

License
power.

Exception.

SECTION 2. That said original section 3672 of the General Code be and the same is hereby repealed.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed March 22nd, 1910.

Approved March 29th, 1910.

JUDSON HARMON,
Governor.
23

[House Bill No. 197.]

AN ACT

To amend Section 5660 of the General Code, providing for a certificate from the clerk or auditor of the Commissioners of the County, Trustees of a Township or a Board of Education of a school district, stating that sufficient money is in appropriate fund for purpose intended.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5660 of the General Code, be amended so as to read as follows:

Sec. 5660. The commissioners of a county, the trustees of a township and the board of education of a school district, shall not enter into any contract, agreement or

Certificate,
what to
specify.

Filing and
recording.

obligation involving the expenditure of money, or pass any resolution or order for the appropriation or expenditure of money, unless the auditor or clerk thereof, respectively, first certifies that the money required for the payment of such obligation or appropriation is in the treasury to the credit of the fund from which it is to be drawn, or has been levied and placed on the duplicate, and in process of collection and not appropriated for any other purpose; money to be derived from lawfully authorized bonds sold and in process of delivery shall, for the purpose of this section, be deemed in the treasury and in the appropriate fund. Such certificate shall be filed and forthwith recorded, and the sums so certified shall not thereafter be considered unappropriated until the county, township or board of education, is fully discharged from the contract, agreement or obligation, or as long as the order or resolution is in force.

SECTION 2. That said original section 5660 of the General Code, be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed Mar. 23rd, 1910.

Approved Mar. 29th, 1910.

JUDSON HARMON,
Governor.
24.

[Senate Bill No. 139.]

AN ACT

To amend Section 1085 of the General Code, relating to the use of the State Fair Grounds for certain purposes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1085 of the General Code be amended so as to read as follows:

State fair.

Sec. 1085. The state board of agriculture shall hold an annual exhibit of the agricultural and general productive industries of the state. The state agricultural fund shall be at the disposal of the state board of agriculture for the improvement of the agricultural interests of the state. All moneys received by the board shall be immediately paid into the state treasury to the credit of such fund. When escheated property is legally reclaimed by an heir, it shall be held subject to the payment to the purchaser from the state of so much of the original purchase money as it received, with legal interest to the time of reclamation. The state board of agriculture shall have the custody of the land, buildings, and other property at the state fair grounds at Columbus and shall use the same for

agricultural purposes and may permit the use of the same by persons, firms, associations, or corporations for such exhibition purposes and under such conditions as the state board of agriculture, from time to time prescribe.

Use of state
fair grounds
permitted.

SECTION 2. That said original section 1085 of the General Code be and same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed March 22nd, 1910.

Approved March 29, 1910.

JUDSON HARMON,
Governor.
25.

[House Bill No. 348.]

AN ACT

To supplement Section 779 of the General Code, by enacting Section 779-1, relating to the publication of the laws.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 779 of the General Code, be supplemented by the enactment of a supplemental section to be known as section 779-1, as follows:

Sec. 779-1. The statutes shall be published by the state and shall be officially designated as "The General Code." The attorney general shall secure a copyright of the same from time to time when so published. The commissioners of public printing shall have charge of the printing and binding of the General Code. It shall be printed upon a good quality of book paper and shall be bound in unglazed buckram, and shall be bound in such a number of volumes as shall be convenient for its use. The commissioners shall advertise for bids as provided by law and shall let the contract to the best and lowest responsible bidder. The contract for printing and binding the General Code shall not be considered to be a part of the general contract for printing, and shall not be classed as any one of the classes of public printing but shall be a separate and distinct contract. The commission shall publish an edition of the General Code as soon as possible after adjournment of the seventy-eighth general assembly, and shall publish such future editions and revisions as the general assembly from time to time may direct. When so published all the volumes shall be delivered to the secretary of state and shall be sold by him at a price to be fixed by the commissioners of public printing and such selling price shall not exceed ten per cent. in excess of the cost of the paper, printing, binding and delivery. The money derived from their sale

"The General Code."

Binding.

Time for publication.

Sale and price.

shall be turned over to the state treasury in the same manner as provided for the payment of other moneys paid into this department.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed Mar. 23rd, 1910.

Approved Mar. 29th, 1910.

JUDSON HARMON,
Governor.
26.

[House Bill No. 186.]

AN ACT

To amend Section 10947 of the General Code, relative to the manner of serving notice of filing petition by guardian in sale of real estate of ward

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 10947 of the General Code, be amended so as to read as follows:

Notice; to
whom given.

Sec. 10947. Upon such petition being filed, verified by the oath of the guardian, the court shall order the petitioner to give notice to his ward, to the husband or wife of such ward, and to all persons entitled to the next estate of inheritance in such real estate, who also shall be defendants to the petition, of the filing and demand thereof, and the time when it will be heard, in such manner as to the court seems proper. In such proceeding, the right and expectancy of dower of the husband or wife of such ward in the premises, may be released in the manner and otherwise treated and dealt with as is provided by law in section ten thousand nine hundred and ninety-six.

Dower, how
treated.

SECTION 2. That said section 10947 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed Mar. 32rd, 1910.

Approved Mar. 30th, 1910.

JUDSON HARMON,
Governor.
27.

[House Bill No. 146.]

AN ACT

To amend Section 13717 of the General Code, relating to a sentence when a person is fined.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 13717 of the General Code, be amended so as to read as follows:

Sec. 13717. When a fine is the whole or a part of a sentence, the court or magistrate may order that the person sentenced remain imprisoned in jail until such fine and costs are paid, or secured to be paid, or he is otherwise legally discharged, provided that the person so imprisoned shall receive credit upon such fine and costs at the rate of sixty cents per day for each day's imprisonment.

Payment of
fine and costs;
credit, 60
cents per day.

SECTION 2. That said original section 13717 of the General Code be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed Mar. 23rd, 1910.

Approved April 4th, 1910.

JUDSON HARMON,
Governor.
28.

[House Bill No. 332.]

AN ACT

To amend Sections 4960, 4966 and 4988 of the General Code, providing for the nomination of all candidates for Congress by a direct vote of the people, and to elect delegates and alternates to the national convention.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4960, 4966 and 4988 of the General Code be amended so as to read as follows:

Sec. 4960. The controlling committees of each such voluntary political party or organization shall be a state central committee, consisting of one member from each congressional district in the state, to be chosen by the delegates to the state convention from the counties composing such congressional districts; a district committee for each district, consisting of two members from each county or part of county in such district, to be chosen by the delegates to the district convention from such county. In congressional districts consisting of more than one county, the congressional committee shall consist of two members from each county or part of county, and shall be elected

"State Central
Committee"—
One member
from each con-
gressional dis-
trict.
"District Com-
mittee"—
(other than
congressional).
Two members
from each
county or part
of county.
"Congressional
Committee"—
Two members
from each
county or part
of county.

"County Central Committee"—One member from each ward and township, or each precinct; optional.

"City Committee"—City members of county central committee.

"Double header" provision.

Direct vote.

Congressional candidate, delegate or alternate to national convention.

Petition of 2%.

Special elections.

Certificate of nominations.

Tie vote.

at the same time and in the same manner as the candidate for congress is nominated. A county central committee, consisting of one member from each ward and township, or of one member from each precinct in the county, as the outgoing committee may determine, to be chosen by direct vote at the primary held in the even-numbered years, and the members chosen from a city shall constitute a city committee. Existing state, district, county and city committees shall continue to act and be recognized as such, until their successors are chosen hereunder. Where a judicial sub-division or district or congressional district is included within a county, the members of the county central committee who are residents of such district shall also act as the judicial or congressional committee.

Sec. 4966. Candidates for congress shall be nominated by direct vote of the people and delegates and alternates to national political conventions shall be elected by direct vote of the people, at the same time and in the manner following.

Each person so desiring to become a candidate for the office of representative in congress or delegate or alternate to a national convention shall, not less than twenty-five days before such primary, file with the chief deputy supervisor of the most populous county of the district according to the last federal census, a petition therefor signed by electors of the district who are members of the political party to which such candidate belongs not less in number than two per cent. of the vote cast in said district for the candidate for governor of such party at the last general election. Forthwith after the expiration of said limitation of twenty-five days said chief deputy supervisor shall certify all nominations so filed to the deputy supervisors of each county in such district who shall enter the name on the proper ballot. Such deputy supervisor shall certify the result of such district primary in the same manner provided for the election of district officers under the general election laws. The provisions of this act shall apply to special elections called to fill any vacancy in any congressional district. Not less than twenty-five days before any general or special election at which representatives in congress are to be elected the chief deputy of the most populous county of the district shall certify all such nominations so made to the deputy supervisors of the counties comprising the district, who shall cause the same to be printed on the proper ticket as provided by law.

Sec. 4988. In case of a tie vote, the candidates having the highest and equal number of votes shall, in the presence of the board of deputy state supervisors determine the result by lot. If they fail to do so, the board shall decide the matter in the same manner; provided, in districts consisting of more than one county, the board of deputy state supervisors of the most populous county shall be so authorized to determine the result by lot.

SECTION 2. That said original sections 4960, 4966 and 4988 be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed Apr. 5th, 1910.

Approved Apr. 5th, 1910.

JUDSON HARMON,
Governor.
29.

[House Bill No. 239.]

AN ACT

To amend Sections 7248 and 7267 of the General Code, relating to one mile assessment pikes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 7248 and 7267 of the General Code, be amended so as to read as follows:

Sec. 7248. The road commissioners may receive subscriptions and donations, in money, or real or personal property, which shall be applied to the construction of the road. They may make contracts for constructing the road in a solid and durable manner, and for keeping it in repair. They may open and finish the road in the first instance, along such portions of the line thereof as are available for travel or transportation. They may purchase and procure all necessary implements and fixtures to preserve the road, and contract for and purchase such stone, paving brick or other paving material, gravel and other material as is necessary for its construction and repair.

Subscriptions
and donations.

Implements,
etc.

Sec. 7267. When the road commissioners deem they have their road completed in a good substantial manner, the bridge and culverts thereon having been built, and the road graded and macadamized, or paved, they may make application to the board of county commissioners to receive it. The county commissioners, within a reasonable time after the filing of such application, shall proceed upon actual view to examine the road. Upon such examination, if it is their opinion that the road is in suitable condition to be received as completed, they may receive it, and the road may be kept in repair as provided in chapter eleven of this title. The provisions of this section and section 7276 shall apply to all pending proceedings for the establishment of one mile assessment pikes.

Actual view,
by commis-
sioners.

SECTION 2. That said original sections 7248 and 7267 of the General Code, be and the same are hereby repealed.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed Mar. 29th, 1910.

Approved Apr. 5th, 1910.

JUDSON HARMON,

Governor.

30.

[House Bill No. 193.]

AN ACT

To amend Section 1441 of the General Code, relating to the construction of nets in the Lake Erie fishing district.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1441 of the General Code, be amended so as to read as follows:

Meshes;
length, width,
etc.

Fyke nets.

Gill nets.

Sec. 1441. In the Lake Erie fishing district, the meshes of the back of the crib or ear of all nets used in fishing shall hang squarely and be not less than two and seven-eighths inches in length and width, except on the edges of the back next to the corner or side lines for a distance on each side equal in width to one-third the width of such back. The mesh herein specified shall be on the middle of such back and extend from the top to the bottom thereof. Until August 1, 1913, the words "stretched mesh" shall mean "stretched mesh, factory measure." On and after March 19th, 1913, the meshes of the entire back of the crib or ear of all trap or fyke nets used in fishing in said district shall be not less than three inches in length and width, stretched mesh. In case of fyke nets the mesh herein specified may be placed in the space between the last two hoops thereof, instead of in the back of the crib or ear, such space to be not less than three feet in width. When such large mesh is placed in the back of the crib or ear, no puckering back shall be used. A gill net shall not be used having meshes less than three inches, stretched mesh.

SECTION 2. That said original section 1441 of the General Code, be and the same is hereby repealed.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed Mar. 29th, 1910.

Approved April 5th, 1910.

JUDSON HARMON,

Governor.

31.

[House Bill No. 194.]

AN ACT

To amend Section 1442 of the General Code, relative to the size of fish permitted to be caught in the Lake Erie Fishing District.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1442 of the General Code, be amended so as to read as follows:

Sec. 1442. No person shall have in his possession a white fish less than one and three-quarter pounds in the round, a catfish less than fifteen inches in length, a sturgeon less than four feet in length, a carp less than fourteen inches, white bass less than ten inches, or a perch or bull head less than nine inches in length. All such fish caught of a less length than herein described shall be immediately released alive while the nets are being lifted in such a manner as not to injure them. No catfish or sturgeon shall be brought ashore with its head or tail removed or in such condition that its length cannot be measured. Nothing herein shall prohibit the catching of such fish with hook and line and not for profit; and the having in possession or failing to return to the water alive in the manner provided of a quantity of the undersized fish mentioned herein not exceeding in weight three per cent. of each boat load or part thereof, lot, catch or haul, brought into port of each variety of fish shall not be deemed a violation of this section.

Sizes,
specified.

Removal of
head or tail,
forbldden.

Exception.

SECTION 2. That said original section 1442 of the General Code, be and the same is hereby repealed.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed Mar. 29th, 1910.

Approved April 5th, 1910.

JUDSON HARMON,

Governor.
32.

[House Bill No. 16.]

AN ACT

To amend Sections 11182 and 11183 of the General Code, providing who may solemnize marriages, and how ministers may obtain licenses to marry.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 11182 and 11183 of the General Code be amended so as to read as follows:

Sec. 11182. An ordained or licensed minister of any religious society or congregation within this state, who has

Marriages;
who may
solemnize.

obtained a license for that purpose, as hereinafter provided, or a justice of the peace in his county, or the mayor of a city or village in any county in which such city or village wholly or partly lies, or the superintendent of the institution for the deaf and dumb, or the several religious societies, agreeably to the rules and regulations of their respective churches, may join together as husband and wife all persons not prohibited by law.

License.

Sec. 11183. A minister of the gospel, upon producing to the probate judge of any county within this state in which he officiates, credentials of his being a regularly ordained or licensed minister of any religious society or congregation, shall be entitled to receive from the court a license, authorizing him to solemnize marriages within this state so long as he continues a regular minister in such society or congregation.

SECTION 2. That said original sections 11182 and 11183 of the General Code, be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed Mar. 29th, 1910.

Approved Apr. 5th, 1910.

JUDSON HARMON,
Governor.
33.

[House Bill No. 203.]

AN ACT

To amend Section 10802 of the General Code, relative to the amount lands may be sold for upon appraisement.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 10802 of the General Code, be amended so as to read as follows:

Sale of improved land;
unimproved.

Sec. 10802. If improved, the lands shall not be sold for less than two-thirds of the appraised value; if not improved, for less than one-half the appraised value. After being twice offered for sale, the court may direct the amount for which they can be sold, or may set aside the appraisement and order a new one. If such appraisement does not exceed two hundred dollars and upon first offer at public sale there are no bids, then upon motion of any party interested, the court may order the lands to be re-advertised and sold at public sale to the highest bidder.

Readvertisement.

SECTION 2. That said original section 10802 of the General Code, be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREALWAY,
President of the Senate.

Passed Mar. 29th, 1910.

Approved Apr. 5th, 1910.

JUDSON HARMON,
Governor.
34.

[House Bill No 279.]

AN ACT

To amend Section 7038 of the General Code, relative to duties of Township Trustees to submit the question of issuing bonds for road improvements to the electors of township road district.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7038 of the General Code be amended to read as follows:

Sec. 7038. When the trustees determine to submit such question to the electors of such road district, or when the petition of twenty-five per cent. or more of the taxpayers of such road district is presented to them praying that the question of improving the public ways and of issuing bonds shall be submitted to the qualified electors of the road district, they shall pass a resolution to that effect and submit such question to the electors of such district, in which resolution the boundaries of the road district, if they are not coincident with the boundaries of the township, shall be designated.

Petition of
25%.

Vota.

SECTION 2. That said original section 7038 of the General Code, be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed Mar. 29th, 1910.

Approved Apr. 5th, 1910.

JUDSON HARMON,
Governor.
35.

[Senate Bill No. 72.]

AN ACT

To authorize the election of one additional judge in the First Sub-division of the Ninth Judicial District.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there shall be elected in the first sub-division of the ninth judicial district of Ohio, composed of the counties of Stark, Carroll and Columbiana, by the electors thereof, under and in pursuance of the general election laws of the state of Ohio, governing the election of judges of the court of common pleas, at the regular state election on the first Tuesday after the first Monday of November, A. D. 1910, and every six years thereafter, one judge of the court of common pleas in addition to the three judges heretofore provided for by law for said first sub-division of said ninth judicial district. Said additional judge shall be elected for the term of six years, commencing on the first day of January, 1911, and he shall have all the powers, and be subject to all the obligations, and shall perform all the duties pertaining to said office of judge of the common pleas court, and vacancies, if any shall occur in his office, shall be filled as now provided by law; and said additional judge shall receive such compensation as is authorized by law.

Additional
judge; elec-
tion, term,
etc.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed March 31st, 1910.

Approved Apr. 6th, 1910.

JUDSON HARMON,
Governor.
36.

[Senate Bill No. 176.]

AN ACT

To supplement section 2278 of the General Code, relating to the printing of the general and local laws passed at the regular session of the 78th General Assembly.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2278 of the General Code, be supplemented by the enactment of a supplemental section to be known as section 2278-1 as follows:

Sec. 2278-1. That in the publication of the laws, general and local, and joint resolutions enacted or adopted by the general assembly of Ohio at its 78th regular session as provided for in section twenty-two hundred and seventy-

eight of the General Code, the printing and distribution of an act entitled "An act to revise and consolidate the general statutes of Ohio," passed February 14, 1910, and approved February 15th, 1910, shall be omitted therefrom and shall not be printed and distributed as provided in the said section. All other general and local laws and joint resolutions shall be printed, bound, and distributed as provided in the said section.

Exception as
to printing
"The General
Code."

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed April 5th, 1910.
Approved April 7th, 1910.

JUDSON HARMON,
Governor.
37.

[House Bill No. 188.]

AN ACT

To amend Sections 6691 and 6709 of the General Code, providing for the cleaning out of joint county ditches.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 6691 and 6709 of the General Code, be amended so as to read as follows:

Sec. 6691. For the cleaning and keeping in repair of township, county and joint county ditches, the township ditch supervisor or supervisors of the township or townships through which such ditch runs, shall divide them into working sections and apportion such sections to the land owners, corporate roads, railroads, township and county, according to the benefits received. Owners of land not contiguous to the ditch but the water from whose lands is carried into it by means of tile or by passing over the lands of others, must assist in cleaning and keeping such ditch in repair, and all working sections allotted to each land owner shall be on or as near as practicable to his premises.

Working sec-
tions, appor-
tionment.

Sec. 6709. When a county, joint county or township ditch, or part thereof, has been tiled, it shall be subject to the provisions of this chapter. If in the judgment of the ditch supervisor, or supervisors of the township or townships through which such ditch runs, said tile is small and insufficient to provide the necessary drainage, the surface ditch shall be kept open by the provisions of this chapter.

Surface ditch
provision.

SECTION 2. That said sections 6691 and 6709 be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed Apr. 5th, 1910.

Approved Apr. 7th, 1910.

JUDSON HARMON.

Governor.
38.

[House Bill No. 255.]

AN ACT

To amend Section 2969 of the General Code, relative to providing for the relief of the needy blind.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2969 of the General Code, be amended to read as follows:

Fund for relief
of needy blind.

Sec. 2969. In addition to the taxes levied by law for other purposes, the county commissioners of each county shall levy a tax not to exceed three-tenths of one mill per dollar on the assessed value of the property of the county, to be levied and collected as provided by law for the assessment and collection of taxes, for the purpose of creating a fund for the relief of the needy blind of their respective counties.

SECTION 2. That said original section 2969 of the General Code, be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed Mar. 29th, 1910.

Approved Apr. 7th, 1910.

JUDSON HARMON,

Governor.
39.

[House Bill No. 182.]

AN ACT

In relation to pandering, to define and prohibit the same, to provide for the punishment thereof, and for the competency of certain evidence at the trial thereof.

Be it enacted by the General Assembly of the State of Ohio:

Section 13051-1
Pandering,
defined.

SECTION 1. Any person who takes, places, harbors, inveigles, entices, persuades, encourages, either by threats,

or promises, or by any device or scheme, takes or places, or causes to be taken or placed, any female into a house of ill-fame or of assignation or elsewhere, against her will, for the purpose of prostitution or illegal sexual intercourse, or takes or detains a female unlawfully against her will with the intent to compel her by force, threats, persuasion, menace or duress to marry him or marry any other person or to be defiled; or any person who being parent, guardian or having legal charge of the person of a female, consents to her taking or detention by any person for the purpose of prostitution or illegal sexual intercourse, shall be guilty of pandering, and upon conviction shall be punished by imprisonment in the penitentiary for a term of not less than two nor more than twelve years and fined not more than five thousand dollars. Penalty.

Section 13031-2 **SECTION 2.** Any person who shall place any female against her will in the charge or custody of any person or persons for immoral purposes or in a house of prostitution with the intent that she shall live a life of prostitution, or any person who shall compel any female to reside with him or with any other person for immoral purposes, or for the purpose of prostitution or compel her to live a life of prostitution is guilty of pandering, and upon conviction shall be punished by imprisonment in the penitentiary not less than one year nor more than ten years and be fined not more than one thousand dollars. Penalty.

Section 13031-3 **SECTION 3.** Any person who shall receive any money or other valuable thing for or on account of procuring for or placing in a house of prostitution or elsewhere any female against her will for the purpose of causing her to cohabit with any male person or persons, shall be guilty of a felony and upon conviction thereof shall be imprisoned in the penitentiary not less than three nor more than ten years. Penalty.

Section 13031-4 **SECTION 4.** Any person who by force, fraud, intimidation or threats, places or leaves, or procures any other person or persons to place or leave his wife in a house of prostitution or to lead a life of prostitution shall be guilty of a felony, and upon conviction thereof shall be imprisoned in the penitentiary not less than three nor more than ten years. Penalty.

Section 13031-5 **SECTION 5.** Any person or persons who attempts to detain any girl or woman in a disorderly house or house of prostitution because of debt or debts she has contracted, or is said to have contracted, while living in said house, shall be guilty of a felony and upon conviction thereof shall be imprisoned in the penitentiary not less than three nor more than ten years. Penalty.

Section 13031-6 **SECTION 6.** Any person who shall knowingly transport or cause to be transported, or aid or assist in obtaining transportation for, by any means of conveyance, through or across this state, any female against her will for the purpose of prostitution, or with the intent or purpose to "White slave" traffic.

Penalty.

induce, entice or compel any female to become a prostitute, shall be guilty of a felony and upon conviction thereof be imprisoned in the penitentiary not less than three years nor more than ten years. Any person who shall commit the crime in this section mentioned may be prosecuted, indicted, tried and convicted in any county or city in or through which he shall so transport or attempt to transport any female as aforesaid.

Section 13031-7

Witness, competency of.

SECTION 7. Any such female referred to in this act shall be a competent witness in any prosecution under this act to testify to any and all matters, including conversations with the accused or by him with third persons in her presence, notwithstanding her having married the accused either before or after the violation of any of the provisions of this act, whether called as a witness during the existence of the marriage or after its dissolution.

Section 13031-8

Search warrant.

SECTION 8. Any court of competent jurisdiction may, upon affidavit, issue a search warrant to the proper officer, particularly describing the building or place to be searched, the person to be seized, and the things to be searched for, and alleging substantially the offense in relation thereto, for the purpose of securing evidence, in any case of any suspected violation of this act.

The sectional numbers on the margin hereof are designated as provided by law.

U. G. DENMAN,
Atty. Gen.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed April 7th, 1910.
Approved April 8th, 1910.

JUDSON HARMON,
Governor.
40.

[Senate Bill No. 91.]

AN ACT

To amend Sections 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977 and 978 of the General Code, relating to the appointments, powers and duties of the chief inspector of mines and the district inspectors of mines and to provide regulations governing mines and mining.

Be it enacted by the General Assembly of the State of Ohio.

Mines and
mining.
Amendments
to "The Gen-
eral Code."

SECTION 1. That sections 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951,

952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978 of the General Code be amended so as to read as follows:

Sec. 898. Upon the expiration of the present term of the chief inspector of mines, the governor, with the advice and consent of the senate, shall appoint a chief inspector of mines, who shall hold his office for a term of four years from the date of his appointment and until his successor is appointed and qualified.

Chief inspec-
tor of mines; ap-
pointment and
term.

Sec. 899. No person shall be appointed chief inspector of mines unless he has a competent knowledge, insofar as such sciences relate to mining, of chemistry, the mineralogy and geology of this state, a practical knowledge of the different systems of working and ventilating mines, the nature and properties of the noxious and poisonous gases in mines, particularly fire-damp, the best means of preventing the accumulation of such gases, and the best means of removing the same. He shall also have had at least five years actual practical experience in mining in this state, and shall have a knowledge of mine engineering, and shall have a practical knowledge of the uses and dangers of electricity as applied at, in, and around mines.

Qualifications
of chief in-
spector of
mines.

Sec. 900. The chief inspector of mines, with the approval of the governor, shall appoint twelve district inspectors of mines, each of whom shall hold his office for a term of three years from the date of appointment and until his successor is appointed and qualified.

District in-
spectors.

Sec. 901. No person shall be appointed district inspector of mines unless he has been a resident of the district for which he is appointed, for at least two years, has had at least five years' actual practical experience in mining in this state, has a practical knowledge of the best methods of working and ventilating mines, of the nature and properties of noxious and poisonous gases, particularly fire-damp, of the best means of detecting the presence of and preventing accumulations of such gases and the best means of removing the same, and has a practical knowledge of the uses and dangers of electricity as applied at, in, and around mines.

Qualifications
of district in-
spectors.

Sec. 902. The chief inspector of mines, and each district inspector of mines, shall give his whole time and attention to the duties of his office. While in office he shall not be financially interested in any mine, or under obligations to any person or persons interested in the operation, management or working of any mine in the state, in any manner that may tend to influence him in the faithful and impartial discharge of his duties.

"Whole time"
to duties of
office.

Sec. 903. Before entering upon the discharge of the duties of his office, the chief inspector of mines, and each district inspector of mines, shall give a bond to the state, the former in the sum of five thousand dollars, and the latter in the sum of two thousand dollars, with two or

Bond; amount
of, approval,
etc.

more sureties approved by the governor, conditioned for the faithful discharge of the duties of his office. Such bond, with the approval of the governor and the oath of office indorsed thereon, shall be deposited with the secretary of state and kept in his office.

**Location of
offices.**

Sec. 904. The chief inspector of mines shall have an office in the state house, in which he shall keep the maps and plans of all mines in the state, and all records, correspondence, papers, apparatus, and other property belonging to the state, pertaining to his office, in accessible and convenient form for reference by persons entitled to examine them, all of which he shall deliver to his successor in office. The persons entitled to examine maps, plans, records and papers of a mine, shall be the owner, lessee or agent of such mine; the persons financially interested in such mine; the owner, or owners, of land adjoining such mine; the owner, or owners, of land adjacent to such mine; the owner, lessee or agent of a mine adjacent to such mine; and the authorized representatives of the employes of such mine. The chief inspector of mines shall not permit such maps, plans, records and papers to be removed from his office, and shall not furnish copies thereof to any persons, except by request of the owner, lessee or agent of the mine to which such maps, plans, records and papers pertain. Each district inspector shall keep his office in such place in his district as is central and convenient.

Salaries.

Sec. 905. The present incumbents of the office of district inspector of mines shall receive a salary of twelve hundred dollars per annum, but any district inspector of mines appointed after the passage and approval of this act shall receive a salary of eighteen hundred dollars per annum. The present incumbent of the office of chief inspector of mines shall receive the salary as provided for in section 2250 of the General Code, but any chief inspector of mines appointed after the passage and approval of this act shall receive a salary of three thousand dollars per annum. The chief inspector of mines, and each district inspector of mines, shall receive, in addition to the salaries herein provided for, all necessary and legitimate expenses incurred by them in the discharge of their duties, to be approved by the chief inspector of mines, itemized statements of which expenses shall be filed with the auditor of state. Provided, however, that any public officer who knowingly accepts any payment from any mine inspector for political purposes shall forfeit his office, and any person who accepts any contribution of money or anything of value from any mine inspector for use in any political campaign, or for any campaign purpose, shall be guilty of a misdemeanor.

Expenses.

**Campaign
contribution,
acceptance, a
misdemeanor.**

Sec. 906. The chief inspector of mines shall designate the counties, or portions thereof, which shall compose the different districts, and may change such districts whenever in his judgment the best interests of the service so require. He shall issue such instructions, and make such rules and

regulations for the government of the district inspectors of mines consistent with the powers and duties vested in them by law, as will secure uniformity of action and proceedings throughout all the districts. The chief inspector of mines may order one district inspector of mines to the assistance of any other, or may make temporary transfers of district inspectors of mines, when, in his judgment, the efficiency of the service demands or permits, and with the consent of the governor, may remove any district inspector of mines for reasonable cause. The chief inspector of mines shall give such personal assistance to the district inspectors of mines as they may need, and make such personal inspection of the mines as he deems necessary and his other duties permit. He shall keep in his office and carefully preserve all maps, surveys, reports and other papers, required by law to be filed with him, and arrange and preserve them as a permanent record of ready, convenient and connected reference. He shall, upon receipt of a report of the district inspector of mines, or of a committee of miners, covering the conditions of a mine, promptly mail a copy thereof to the general office of the owner, lessee or agent of such mine.

Rules and regulations.

Maps, surveys, etc.

Report, who entitled to copy.

Sec. 907. Upon receiving notice from the owner, lessee or agent that a fatal accident has occurred at a mine, the chief inspector of mines shall go, or order one of the district inspectors of mines to go, at once, to the mine at which such accident occurred, inquire into its cause, and make a written report setting forth fully the condition of that part of the mine wherein the accident occurred, and the cause thereof. Such report shall be filed by the chief inspector of mines in his office, and a copy mailed to the general office of the owner, lessee or agent of such mine.

Accident; report as to conditions.

Sec. 908. The chief inspector of mines shall compile and consolidate the reports of the district inspectors of mines, and make a report each year to the governor of all his proceedings, as well as those of the district inspectors of mines; the condition and operation of the different mines of the state; the number of mines and the number of persons employed in and about them, and the amount of coal mined in this state. He shall also include in the report, such facts relative to the mineral resources of the state, and the development thereof, as, in his judgment, may be of public interest. He shall enumerate all accidents in and about mines, the manner in which they occurred, give such other information as he thinks useful and proper, and make such suggestions as he deems important relative to mines and mining, and to any legislation necessary for the better preservation of the life and health of those engaged in such industry.

Annual report of chief inspector.

Sec. 909. Each district inspector of mines shall examine each mine in his district, in which men are employed, as often as practicable, and mines employing more

Duties of district inspector.

than ten persons, at intervals not exceeding three months between examinations, noting particularly the condition of the boilers and machinery, the location and condition of the buildings, the condition of the workings of the mine, the condition of the traveling and haul ways, the circulation and condition of the air and the drainage, and shall see that the provisions of this act are complied with. Upon the completion of the examination of a mine, he shall within a reasonable time thereafter, report in writing to the chief inspector of mines, the conditions of the mine, showing the extent to which the provisions of this act are complied with or violated.

District in-
spector to be
sealer of
weights and
measures.

Sec. 910. The district inspectors of mines are hereby vested with all the powers and authority of county auditors as sealers of weights and measures in the different counties of this state, but shall exercise such authority in connection with weights and measures at mines, only. Each district inspector of mines may upon his regular examination of a mine, and shall, upon the written request of the duly authorized representatives of the miners, the owner, lessee, or agent, or the interested land owner, test the accuracy of the scales at any time, and post in the weigh house a certificate provided by the chief inspector of mines, certifying the condition of the scales, provided that such tests be made at a reasonable time without unnecessary interference with the use of such scales.

In case of a controversy or disagreement between the district inspector of mines, and the owner, lessee or agent of a mine, or persons working therein, or in case of emergency requiring counsel, the district inspector of mines may call upon the chief inspector of mines for such assistance and counsel as is necessary.

Settling of
disputes.

Sec. 911. Each inspector shall exercise discretion in the enforcement of the provisions of this act. If he finds that any matter, thing or practice, connected with any mine, and not prohibited by law, is dangerous or defective, (or that from a rigid enforcement of any of the express provisions of this act, such matter, thing or practice would become dangerous or defective), so as in his opinion to tend to the bodily injury of any person, such inspector shall give notice in writing to the owner, lessee, or agent of the mine, of the particulars in which such mine or any matter, thing, or practice connected therewith is dangerous or defective, and require it to be remedied by making such changes as the conditions may require. Provided, however, that in the exercise of the foregoing provisions relating to the application of electricity or electric wires, the judgment of the chief inspector of mines and the district inspector of mines, jointly, shall be required.

Notice to
owner, lessee
or agent.

Entry and ex-
amination.

Sec. 912. For the purpose of making the examinations provided for in this act, the chief inspector of mines, and each district inspector of mines, may enter any mine at reasonable times, by day or night, but in such manner as

will not unnecessarily impede the working of the mine, and the owner, lessee or agent thereof shall furnish the means necessary for such entry and examination.

The district inspector of mines shall examine the record kept by the mine foreman, of boys under sixteen years of age employed in each mine, and report to the chief inspector of mines, the number of such persons employed in and about each mine, and enforce the provisions of this act relative to their employment.

Boys, under 16 years, report to chief inspector.

Sec. 913. On or before each Monday, each district inspector of mines shall make and file in the office of the chief inspector of mines, a record showing the number of mines in the district examined by him during the preceding week, the number of persons employed in and about such mines, the date of each examination, condition of each mine examined, whether the laws relating to mines and mining are being observed or violated, and, if violated, the nature and extent of such violations, progress made in safeguarding the lives and protecting the health of the employes in and about the mines, number of fatal accidents in and about the mines, together with such other facts of public interest concerning the condition of mines, and the development and progress in mining, as he deems proper.

Weekly report.

Sec. 914. The chief inspector of mines, upon receiving notice from a person, firm or corporation of the intention to drill an oil or gas well which will likely penetrate a workable seam of coal, shall make a record thereof, and if such well is to be drilled so as to comply with the provisions of this act relating thereto, he shall give his permission to the parties to proceed. He shall keep on file in his office all the papers and maps pertaining to oil and gas wells, and see that the provisions relating to the drilling, operating and abandonment of such wells are complied with.

Oil or gas well provision.

Each district inspector of mines shall carry out the instructions of the chief inspector of mines with reference to the enforcement of the regulations provided for in this act relating to the drilling, operating and abandonment of oil and gas wells, and shall see that the regulations relating thereto are complied with in his respective district.

Sec. 915. The chief inspector of mines shall provide and maintain, at the expense of the state, such safety appliances, instruments and chemical tests, as in his judgment may be required to facilitate the efficient inspection of mines and safely conduct rescue work in emergencies, but not less than six approved oxygen helmets complete, one recharging equipment for recharging oxygen tanks, two extra oxygen tanks, one resuscitation outfit complete, twenty approved safety lamps, one naphtha tank, twenty portable electric lamps complete with storage batteries, and all necessary instruments and chemical tests, together with all necessary repairs and supplies, therefor.

Safety appliances, instruments, etc., enumerated.

Sec. 916. If the appliances of a mine for the safety of the persons working therein do not conform to the pro-

Remedy.

visions of this act, or if the owner, lessee or agent disregards the requirements thereof, on application by the chief inspector of mines in the name of the state, any court of competent jurisdiction may enjoin or restrain the owner, lessee or agent from operating such mine, until it is made to conform to the provisions of this act. Such remedy shall be cumulative, and shall not affect any other proceedings authorized by law against such owner, lessee or agent for the matter complained of in the action.

Refusal or neglect to furnish map; consequence.

Sec. 917. Upon the refusal or neglect of the owner, lessee or agent of a mine to make and file a map, or any addition thereto, within sixty days after being directed to do so by the chief inspector of mines, as provided for in this act, the chief inspector of mines may cause such map or addition thereto to be made in duplicate at the expense of such owner, lessee or agent, the cost of which shall be recoverable against such owner, lessee or agent, in the name of the chief inspector of mines in any court of competent jurisdiction in the county in which such mine is located, or in Franklin county.

Investigation as to neglect of duty, etc., of district inspector.

Sec. 918. When written charges of neglect of duty, incompetency, or malfeasance in office against any district inspector of mines, are made and filed with the chief inspector of mines, signed by not less than fifteen employees, or an owner, lessee or agent of a mine, the chief inspector of mines shall promptly investigate such charges, and advise in writing, addressed to the complainant whose name appears first in the charges, the result of such investigation.

Investigation as to neglect of duty of chief inspector of mines.

When written charges of neglect of duty, incompetency or malfeasance in office against the chief inspector of mines, are made and filed with the governor, signed by not less than fifteen employees, or the owner, lessee or agent of a mine, or if not less than fifteen employees, or the owner, lessee or agent of a mine, having filed charges against a district inspector of mines with the chief inspector of mines, are dissatisfied with the result of the investigation made by him, and appeal to the governor by filing the same charges against such district inspector of mines with the governor, he shall make, or cause to be made, an investigation of such charges, and advise in writing, addressed to the complainant whose name appears first in the charges, the result of such investigation.

Sec. 919. After such appeal from the decision of the chief inspector of mines, or after charges have been filed against the chief inspector of mines with the governor, and the result of the investigation made by him, or at his instance, is unsatisfactory to the complainant, and notice thereof is given to the governor in writing by said complainant, accompanied with a bond in the sum of five hundred dollars, payable to the state, conditioned for the payment of all costs and expenses of the investigation of such charges, in the event such charges are not sustained, and signed by two or more responsible freeholders, the governor

shall convene a board of examiners, consisting of two practical miners, one chemist, one mining engineer, and one mine operator, at such time and place as he directs, giving ten days' notice thereof to the inspector against whom the charges are made, and also to the person whose name appears first in the charges.

Board of examiners, convened by governor.

When so convened, and being duly sworn truly to try and decide the charges made, the board of examiners shall summon any witnesses desired by either party, and examine them, on oath, administered by a member of the board. Depositions may be read on such examination as in other cases. The board shall examine fully into the truth of such charges and report the result of its investigation to the governor; and, according to its finding, award the costs and expenses of such investigation against the inspector or the persons signing the bond. The costs and expenses of such investigation shall include a compensation of five dollars per day for each member of the board, for the time occupied in the trial, and in traveling to and from his home, together with all legitimate expenses, which shall be paid from the state treasury on the certificate of the president of such board. The attorney general shall proceed to collect such costs and expenses, and pay them into the state treasury.

Compensation of board.

Sec. 920. No change herein made in the name of an office existing when this act takes effect shall create a new office. The incumbents of offices when this act takes effect, the duties of which are herein defined, or the filling of which is herein provided for, shall hold their respective offices for the full term for which they were severally elected or appointed, the same as if this act had not been passed.

Names and terms of offices, unchanged by this act.

Sec. 921. The recorder of the county, when presented with a map of an abandoned mine, by the owner, lessee or agent thereof, as provided for in this act, shall properly label, file and preserve the same as a part of the records of the land upon which said mine is located.

Duty of county recorder.

Upon receiving notice of a death occurring at a mine, as provided for in this act, the coroner shall hold an inquest forthwith upon the body of such person, inquire carefully into the cause of his death, and within ten days after such inquest, return a copy of his findings, with a description of the body, and all the testimony before him, to the chief inspector of mines. Upon request of the owner, lessee or agent of the mine where such person was employed, shall furnish a copy thereof to such owner, lessee or agent, for which such coroner shall be entitled to a fee of ten cents per legal cap page, but in no case more than five dollars for any one inquest, for copy furnished owner or lessee.

Coroner's inquest.

Sec. 922. The owner, lessee or agent of a mine, shall provide and maintain the necessary artificial means of capacity and power capable of supplying the required ventilation, and shall maintain a sufficient volume of air, not

Ventilation.

less per minute than one hundred and fifty cubic feet for each person, and five hundred cubic feet for each animal working therein, measured at the intake, and distributed so as to expel or dilute and render harmless, explosive, poisonous and noxious gases.

Fire-damp.

The owner, lessee or agent of a mine generating fire-damp, so as to be detected by a safety lamp, shall, in addition to the foregoing, provide and maintain not less than fifty cubic feet of air per minute for each person working therein.

Ventilating doors; regulations.

Sec. 923. In each mine, the doors used in assisting or directing the ventilation thereof, shall be hung so that they will close themselves, and shall be kept closed except while persons or cars are passing through same. Each door, not operated automatically, through which cars are required to pass, shall have an attendant, whose first duty shall be to open it for transportation, and prevent it from standing open longer than necessary for cars to pass through, and, persons in charge of cars passing through automatic doors shall be required to keep a close watch over such doors, and if any such door fails to close, they shall promptly close same and report such fact to the mine foreman. This shall not prevent the attendant from performing other duties, provided the door is not kept open longer than is necessary for cars to pass through. Where necessary, a refuge place shall be provided at each door for the safety of the attendant.

Sec. 924. At each mine where the ventilation is not continuous, it shall be started a sufficient length of time prior to the appointed time for any person, or persons, working therein to enter, to clear the mine of explosive, poisonous and noxious gases, and shall be kept in operation a sufficient length of time after the appointed time for such employes to leave their working places, for all persons to be out of the mine.

Fire-damp; use of recording pressure gauge.

At each mine generating fire-damp so as to be detected by a safety lamp, and wherein twenty or more persons are employed, a recording pressure gauge for the purpose of recording the pressure of vacuum of the main air current shall be provided and maintained, which shall be kept in constant use, and the records preserved for ninety days, subject to the inspection of the chief inspector of mines and the district inspector of mines.

Fire boss, duties, etc.

Sec. 925. The owner, lessee or agent of a mine generating fire-damp so as to be detected by a safety lamp, shall designate a competent person or persons as fire boss or fire bosses, who shall make a thorough examination of each working place in the mine every morning with a standard safety lamp, not more than three hours prior to the appointed time for the employes to enter the mine. As evidence of such examination, the fire boss shall mark with chalk upon the face of the coal, or in some other conspicuous place, his initials and date of the month upon which

the examination is made. If there is any standing gas discovered, he must leave a danger signal across every entrance to such place.

Each mine generating fire-damp so as to be detected by a safety lamp, shall be kept free from standing gas. All traveling ways, entrances to old workings, and places not in the actual course of working, shall be carefully examined with a safety lamp by the fire boss not more than three hours before the appointed time for persons employed therein to enter. Parts of the mine not in the actual course of working and available, shall be examined not less than once each three days, and shall be so fenced as to prevent persons from inadvertently entering therein.

Sec. 926. From a point where the seam is reached in the opening of a mine, to a point not exceeding a distance of four hundred feet therefrom, breakthroughs shall be made between main entries, where there are no rooms worked, not more than one hundred feet apart, provided such entries are not advanced beyond the point where the breakthrough will be made until the breakthrough is complete. Breakthroughs between entries, except as hereinbefore provided, shall be made not exceeding sixty feet apart. Where there is a solid block on one side of a room, breakthroughs shall be made between such room and the adjacent room not to exceed sixty feet apart; where there is a breast or group of rooms, a breakthrough shall be made on one side or the other of each room, except the room adjoining said block, not to exceed forty feet from the outside corner of the breakthrough to the nearest corner of the entrance to the room, and on the opposite side of the same room a breakthrough shall be made, not to exceed eighty feet from the outside corner of the breakthrough to the nearest corner of the entrance to the room, and thereafter breakthroughs shall be made not to exceed eighty feet apart on each side of the room. No working place, except those provided for within a distance of four hundred feet of the principal openings of a mine, shall be driven more than eighty feet in advance of a breakthrough or air-way. The required air current shall be conducted to the breakthrough nearest the face of such entry or room. All breakthroughs between entries, and when necessary between rooms, except the one nearest the working face, shall be closed and made air-tight by brattice, trap doors or other means, so that the current of air in circulation may sweep to the interior of the mine. Brattices between permanent inlet and outlet air-ways shall be constructed in a substantial manner of brick, masonry, concrete, or non-perishable material. In mines generating fire-damp, so as to be detected by a safety lamp, the air current shall be conducted by brattice, or other means, near enough to the working face to expel the fire-damp, and prevent an accumulation of the same.

Breakthroughs; distances apart, etc.

Brattices; construction in certain cases.

Sec. 927. The owner, lessee or agent of a mine shall provide and maintain safe appliances, approved by the dis-

Safe appliances.

strict inspector of mines, for the ingress and egress of persons in each shaft, designated by such owner, lessee or agent as a means of ingress and egress for persons employed therein. When there is but one shaft available for ingress and egress from any unavoidable cause, the appliances therein shall be kept available to persons therein employed at all times. When such appliances in any shaft are rendered unavailable from any cause, the same shall be restored without delay.

When the only means of egress is by vertical shaft, in which cages or elevators are used as a means of hoisting persons therein employed, and the power for operating same is derived from but one source, the owner, lessee or agent shall provide and keep on hand for use in the event of an accident to the hoisting apparatus or the power by which same is operated, a suitable windlass, capable of hoisting the persons from the mine.

Qualifications
of engineers.

The owner, lessee or agent of a mine worked by a shaft or slope, shall put in charge of an engine used for lowering into or hoisting out of such mine persons employed therein, only experienced, competent and sober engineers.

Speaking-tube
connection.

Sec. 928. The owner, lessee or agent of a mine operated by shaft, shall provide and maintain a metal tube suitable for conversation between persons, connecting the engine room with the top and bottom of such shaft; an approved safety catch, a sufficient cover, and rings or other adequate hand-holds for ten persons, on all cages used for lowering and hoisting persons: Such cages to be protected on each side by a boiler plate not less than one-fourth inch in thickness, and not less than three feet high, and shall provide an approved safety gate at the top of each shaft, an adequate brake to control the drum used for lowering or hoisting persons in shafts or slopes, and an indicator on all machines used for such purpose, to show the location of cages in shaft or slope. No cage having an unstable or self-dumping platform shall be used for the carriage of persons unless such platform is securely locked.

Cage con-
struction.

Maximum
limit, for low-
ering or hoist-
ing.

Sec. 929. The owner, lessee or agent of a mine, at which the only means of ingress and egress for the persons employed therein is by a vertical shaft, or shafts, of one hundred feet or more in depth, shall designate one or more persons whose duty shall be to attend to the lowering and hoisting of persons into and out of such mine, and give and receive the proper signals, governing the movement of the cage while engaged in handling men. Not more than ten persons shall be lowered or hoisted at any one time. The lowering of persons shall begin in time for persons to reach their working places by hour appointed for mine to commence work and continue until starting time. Hoisting of persons shall commence at time for mine to cease work, and continue until all have had time to be hoisted. Persons may be hoisted at such other times as will not interfere with the hoisting of coal, or other products. No per-

son shall be lowered into or hoisted out of a mine, with powder, explosives, tools or material on any cage, in the same shaft, and no person shall be lowered or hoisted in a vertical shaft in a mine car. When the vertical shaft is less than one hundred feet in depth, and a stairway approved by the district inspector of mines is not provided, the owner, lessee or agent shall be required to lower or hoist persons, as above prescribed, but when such stairway is provided, the hoisting of persons shall not be required.

Sec. 930. The owner, lessee or agent of a mine shall not employ or permit any person to work therein except as hereinafter provided, unless to every seam worked in such mine there are at least two openings, separated by natural strata of not less than one hundred feet in breadth at any point, by which distinct means of ingress and egress are always available to the persons therein employed. Such openings need not belong to the same mine so long as the persons employed therein have safe, ready and available means of ingress and egress, by not less than two openings, provided, however, that no air shaft with a ventilating furnace at the bottom be designated or used as a means of ingress or egress. The provisions of this section shall not apply to opening a new mine while being worked for the purpose of making the second opening and the communication therewith, and the making of the landing or bottom and extending of the main entries one hundred feet while such communication is being made; to a mine in which the second opening has become unavailable from any cause while said second opening is being restored or another is being made; nor to a mine in which the second opening has become unavailable by reason of the final robbing of the pillars previous to abandonment, so long as not more than twenty persons in either case are employed therein at one time.

Regulation.

Exceptions.

At each mine at which the only means of egress is by vertical shaft, the owner, lessee or agent shall provide adequate fire protection to secure the safety of such shaft, or shafts, and, when but one shaft is the only available means of egress, shall keep in attendance a competent person at all times while persons are inside of such mine.

Fire protection.

Sec. 931. The owner, lessee or agent of a mine shall provide and maintain, in safe condition for the purpose provided, two separate and distinct traveling ways from the interior workings of the mine, each of which shall be available to not less than one opening to the surface. One of such traveling ways may be designated by such owner, lessee or agent as the principal traveling way. One of such traveling ways may be designated as the escapement way. The provisions of this section shall not prohibit such owner, lessee or agent from designating more than one principal traveling way, or more than one escapement way, so long as the provisions hereof are complied with.

Escapement way.

The owner, lessee or agent of a mine worked by shaft,

shall provide and keep free from obstruction, a traveling or passage way from one side of the shaft bottom to the other. Slopes and mechanical haulage ways used as traveling ways by persons employed in a mine shall be made of a sufficient width to give not less than three feet of space between the rib and adjacent rail of track to permit persons to pass moving cars with safety. If found impracticable to make such slopes or mechanical haulage ways of sufficient width as provided, refuge holes not less than six feet in width and clearing the adjacent rail of the track not less than four feet, and not more than sixty feet apart, shall be made on one side of the slope or mechanical haulage way and whitewashed. The refuge holes shall be kept free from obstruction, and the roof and sides made secure.

Refuge holes.

Locomotive regulation.

Sec. 932. At a mine, or in any part thereof, where a locomotive is detached from a moving train of cars for the purpose of dropping such cars past the locomotive, and the haulage way at such point is designated as the principal traveling way, a traveling way, not less than three feet wide and separated from the track by a pillar of coal or substantial fence, shall be provided at one side of that portion of the track from where the locomotive will be detached to the switch of the siding. Such traveling way shall be made on the same side of the track as the refuge holes. In no case shall a locomotive be detached from a train of moving cars, for the purpose of making a drop thereof, more than one hundred feet from the switch of the siding.

Additional opening, in certain cases.

At any mine where there is a stream or body of water on the surface, or in the workings of a mine, at a higher level, which is likely to break through into such mine and inundate either the traveling or escapement way of such mine, so as to prevent the egress of persons employed therein, the owner, lessee or agent, shall, upon the written order of the chief inspector of mines, provide and maintain an additional opening by means of which such persons may escape without using the traveling or escapement way likely to be inundated.

Props, caps, etc.

Sec. 933. The owner, lessee or agent of a mine shall keep an adequate supply of suitable timber constantly on hand, and deliver to the working place of each miner, the props of approximate length, caps and other timbers necessary to securely prop the roof thereof: Such props, caps, and other timbers, shall be delivered in mine cars at point where the miner receives his empty cars, or unloaded at the entrance to the room.

Stretcher.

Sec. 934. The owner, lessee or agent of a mine, at, in, or around which more than ten persons are employed, shall keep at the mine in a convenient place, a stretcher, properly constructed, a woolen blanket, and a waterproof blanket, in good condition for use in carrying an injured person: When more than two hundred persons are employed, two stretchers, two woolen blankets, and two waterproof

blankets shall be kept. A sufficient quantity of bandages and linen shall be kept on hand at all mines.

At mines generating fire-damp so as to be detected by a safety lamp, a sufficient quantity of olive or linseed oil shall be kept stored, at the mine, for use in an emergency.

Fire-damp provision.

Sec. 935. The owner, lessee or agent of a mine having an excavation of fifteen thousand cubic yards, or more, shall cause to be made, on a scale of not less than two hundred feet per inch, an accurate map thereof, which shall show the following: The boundary lines and names of the owners of the surface of each tract under which excavation is made, and for not less than five hundred feet contiguous thereto, and under which excavations are likely to be made during the ensuing year, together with all streams and bodies of standing water; the township and county lines coming within the limits of such map, with the name of each plainly marked close to and parallel with such lines; the title, the name or number of the mine, or both, the township and county in which located; the section lines, with the number of each, marked plainly within the sections; the location of the mine openings, railroad tracks, public highways, oil and gas wells, magazines and buildings, and plainly marked with the name of each; the location and extent of the excavations and connection with the surface survey; the direction of the air current, or air currents, by arrows; the location and extent, so far as known or obtainable, of the excavation of any other mine or mines within the limits of the map; the boundary lines of the tracts of coal owned or leased within the limits of the map; the elevation of the floor of the excavation, above mean tide at Sandy Hook, at or near the boundary line or lines of the coal owned or leased where the coal is adjacent to coal owned by a person, firm or corporation, other than the owner or lessee of such mine, and where the excavations of such mine cease or may be approached by another mine, at points not exceeding three hundred feet apart, and referenced to some permanent monument near the main opening of such mine, and shown on the map and plainly marked bench mark, with the elevation of same.

Map; what to show.

Sec. 936. The owner, lessee or agent of a mine shall cause to be made, a map or an addition to the next previous map thereof, annually, and semi-annually if so directed in writing by the chief inspector of mines, showing the excavations and the information required by the preceding section, to date of survey. The map, or maps, required by this and the preceding section, and any addition thereto, shall have the certificate of the engineer making same, and of the mine-foreman in charge of the mine at the time of the survey, acknowledged before a notary public or justice of the peace, thereon in the following form:

Annual map.

I, the undersigned, hereby certify that this map is correct, and shows all the information required by section

Certificate of engineer.

nine hundred and thirty-five of the General Code, and covers the period ending

.....

Engineer.

Acknowledged before me a, this day of,

Certificate of mine-foreman.

I, the undersigned, hereby certify that I am a mine-foreman at the mine represented by this map, and to the best of my knowledge and belief the same correctly represents the excavations of the mine for the period ending,

Mine-Foreman.

Acknowledged before me a, this day of,

Map of abandoned mine, where filed.

Sec. 937. The owner, lessee or agent of a mine, before the pillars are drawn previous to the abandonment of a mine, or any part thereof, shall cause to be made a correct map of such mine, or part thereof, showing its area and workings to the day of the abandonment; the pillars drawn previous to abandonment; and file such map within ninety days after the abandonment of such mine, in the office of the recorder of the county where such mine is located, and with the chief inspector of mines at his office. Such map shall have attached thereto the usual certificate of the mining engineer making it, and the mine-foreman in charge of the underground workings of the mine, and such owner, lessee or agent, shall pay to the recorder for filing such map, a fee of fifty cents.

Inspection of map.

The owner, lessee or agent of a mine shall keep at the office thereof, open to the inspection of the chief inspector of mines, and the district inspector of mines, a copy of the latest map of such mine, with any addition thereto, and shall furnish a copy thereof to the chief inspector of mines at his office.

Requirements, when approaching abandoned mine.

Sec. 938. Whenever any working place of a mine approaches within one hundred feet of the abandoned workings of another mine, as indicated by an accurate survey, or while driving any working place parallel with the workings of such abandoned mine within a distance of one hundred feet thereof, and such abandoned mine cannot be explored, or when same contains fire-damp, or water which may inundate such working place, the mine-foreman shall not permit such working place to be advanced until a drill hole has been extended not less than twelve feet in the center of such working place, and a flank hole not less than twelve feet extended on each rib, starting at the working face after taking out each cut or crossing. Whenever the limits of the workings of an abandoned mine are not known by actual survey, the above rule shall apply when-

ever any working place approaches within one hundred and fifty feet of the supposed limits of such abandoned mine.

Sec. 939. The owner, lessee or agent of a mine shall give notice to the chief inspector of mines in the following cases: When a change occurs in the name of the mine, in the name of the owner, lessee or agent thereof, or in the officers of an incorporated company owning or operating such mine; when a working is commenced for the opening of a new shaft, slope or mine; when a mine is abandoned, or the working thereof discontinued; when the working of a mine is commenced, after an abandonment or discontinuance thereof for a period of more than three months; when the pillars of a mine are about to be removed or robbed; when a squeeze, crush, or fire occurs, or a dangerous body of gas is found, or any cause or change that may seem to affect the safety of persons employed therein.

Notices to
chief inspec-
tor.

Sec. 940. The owner, lessee or agent of a mine at which loss of life occurs by accident, shall give notice thereof, by telegram, forthwith, to the office of the chief inspector of mines, and to the coroner of the county in which such accident occurs; and, within twenty-four hours next after loss of life or personal injury has occurred, the owner, lessee or agent of the mine shall send to the chief inspector of mines a report in writing, of the accident, specifying the character and cause thereof, the names of the persons killed or injured, and the nature of the injuries. If a personal injury thereafter results in the death of the person injured, as soon as such death comes to his knowledge, the owner, lessee or agent shall give notice thereof forthwith, in writing, to the chief inspector of mines, and to the coroner of the county in which such accident occurred.

Notice by tel-
egram, in case
of fatal acci-
dent.

The owner, lessee or agent of a mine, shall, on or before the thirty-first day of January of each year, send to the office of the chief inspector of mines, upon blanks furnished by him, a correct return, specifying with respect to the year ending on the preceding thirty-first of December, the quantity of coal mined, and the number of persons ordinarily employed at, in, and around such mine, distinguishing the persons below and above ground, and give such other information as required by such blanks.

Annual report.

Sec. 941. The owner, lessee or agent of a coal mine, at which the earnings of ten or more persons depend upon the weights of coal mined, shall provide and keep accessible for the purpose of testing the weigh scales as provided elsewhere in this act, the following standard test weights, properly sealed: Where the coal mined is weighed upon Hopper or pan scales, two standard test weights of fifty pounds each; where the coal mined is weighed upon railroad track scales, ten standard test weights of fifty pounds each.

Test weights.

The owner, lessee or agent of a mine generating fire-

damp, so as to be detected by a safety lamp, shall keep on hand in proper condition for use, not less than four approved safety lamps, and upon request of the district inspector of mines, shall provide such additional safety lamps as in his judgment may be required to meet any probable emergency.

Shield provision.

The owner, lessee or agent of a mine, shall provide and maintain a sufficient shield on each mining machine used in such mine, as may be authorized by the chief inspector of mines, or the district inspector of mines, for the protection of those employed in operating same.

Sec. 942. At each mine operated by shaft, the means of signaling to and from the bottom man, the top man, and the engineer, shall consist of a tube, or tubes, or wire encased in wood or iron pipes, through which signals shall be communicated by electricity, compressed air, or other devices. The following signals are provided for use at mines where signals are required:

Signals.

One ring or whistle from the bottom to the top shall signify to hoist coal or the empty cage, and also to stop either when in motion.

Two rings or whistles shall signify to lower cage.

Three rings or whistles shall signify that men are coming up; when return signal is received from the engineer, men will get on the cage, and cager shall ring or whistle one to start.

Four rings or whistles shall signify to hoist slowly, implying danger.

Five rings or whistles shall signify accident in the mine and a call for a stretcher.

One ring or whistle from the top to the bottom shall signify: All ready, get on cage.

Two rings or whistles shall signify: Send away empty cage.

Provided, that the management of any mine, may, with the consent of the district inspector of mines, add to this code of signals in his discretion, for the purpose of increasing its efficiency, or of promoting the safety of the men in said mine, but whatever code may be established and in use at any mine must be furnished by the mining department, conspicuously posted at the top and at the bottom and in the engine room, for the information and instruction of all persons concerned.

Emergency signal.

At each mine where persons are hoisted in a vertical shaft, an emergency signal shall be provided in such manner that persons can give signals from the cage, in the event the cage is stopped between the top and bottom landings.

Lighting.

Sec. 943. The owner, lessee or agent of each mine shall provide an enclosed lard or signal oil lamp or lantern or incandescent electric light at such point or points in the mine as may be necessary for the proper safety of persons, especially at the top of extreme grades. No open light shall be used for fixed or stationary purposes; no

open torches or lamps larger than the lamps provided for in this act for use as open lights, and no coal oil or kerosene lamp or lanterns, shall be used in a mine. This, however, shall not prevent the use of a torch or blow-torch for mechanical purposes other than illumination.

The owner, lessee or agent of a mine at which locomotives are used for hauling the coal, shall keep a light on the front end of the locomotive when it is in use, and when the locomotive is run ahead of the trip, and the trip-rider is not required to ride the rear car of the trip, a signal, light or marker, approved by the district inspector of mines, shall be carried on the rear end of the trip to indicate when the trip has passed. Cars shall not be pushed ahead of the locomotive where it can be avoided, and when cars are run ahead of the locomotive a light shall be carried on the front end of the trip and the cars shall not be moved at a speed greater than four miles per hour. When rope haulage is used, an enclosed light shall be carried on the front end of each train so hauled. When a mechanical haulage trip passes through an automatic door having no attendant other than persons in charge of such trip, the trip-rider shall be required to ride the rear car of the trip while passing through such door, and see that it closes after the trip passes through.

Locomotive provisions.

Sec. 944. The owner, lessee or agent of a mine shall not employ, or permit to work therein, any boy under fourteen years of age; nor employ, or permit to work therein, any boy under fifteen years of age during a term of the public schools, in the district in which he resides.

Age limit of boys.

Whenever an entry or air-way becomes so dry that the air becomes charged with dust, the owner, lessee or agent shall cause such entry or air-way to be sprinkled, and all accumulated matter, explosive in its nature, shall be removed from the mine.

Sprinkling.

No oil shall be taken into or stored in a mine except as may be required to be opened for use within two days thereafter; and in no case shall more than two barrels of oil be kept at any one place, and not more than ten barrels of oil shall be had in a mine at any one time. All waste oil and empty barrels shall be promptly removed from the mine.

Oil restrictions.

The permanent boilers used for generating steam, and the buildings containing the boilers, shall not be nearer than sixty feet to any mine opening or to a building or inflammable structure connected with or surrounding such opening.

Sec. 945. The owner, lessee or agent of a coal mine at which the live stock is kept underground, shall observe the following: The stable or stalls shall be separated from the main inlet and main outlet air-courses by not less than twenty feet of solid strata or a solid wall of brick or masonry not less than twelve inches in thickness, except at two doors not more than five feet wide, which shall be

Live stock requirements when kept underground.

made of steel plate not less than one-quarter inch in thickness and hinged to the solid strata or masonry without the use of wood; the ventilation for the stable shall be taken from main inlet air-course by a by-pass or separate split and returned to the main outlet air-course so that the air passing the stables will not enter the inward working places of the mine, and arranged so that the by-pass or split can readily be closed at both inlet and outlet sides of the stable by steel doors hinged to the solid strata or masonry without the use of wood; the construction of the stable inside shall be free from pine or light lumber; shall be of brick or masonry as much as practicable, and any timber used shall be of hardwood of a cross section not less than three by six inches; no hay or straw shall be taken into the mine or stable unless same be compressed into compact bales, and then only from time to time in such quantities as will be required for two days' use; no greater quantity of hay or straw shall be stored in the mine or stable, and when such is taken into the mine it shall be taken inside the stable at once; the lights used in the stable shall be incandescent electric lamps, placed so that same will not be injured by the stock or by persons required to enter the stable, or lanterns of railroad type suitable for using lard or signal oil, and only such oil shall be used therein; all refuse and waste shall be promptly removed from the stable and the mine, and shall not be allowed to accumulate. Stables constructed underground after the passage and approval of this act, shall be located not nearer than one hundred and fifty feet of any opening to the mine used as a means of ingress or egress.

Gasoline,
naphtha, or
kerosene en-
gine restric-
tions.

Sec. 946. No gasoline, naphtha or kerosene engine shall be used in a mine, except for operating pumping machinery where electric, compressed air or steam power is not available or cannot be transmitted to the pump, and then the owner, lessee or agent shall observe the following: Notice shall be made to the chief inspector of mines before installing, and the installation and operation shall be subject to his approval: No wood or inflammable material shall be permitted nearer than twenty-five feet of the engine: The supply tank from which the gasoline, naphtha or kerosene is fed to the engine, shall be of metal, with a suitable screw cap opening, fitted with a gasket, so as to make the tank air-tight and prevent the escape of gas into the atmosphere, and the tank kept free from leaks: The gasoline, naphtha or kerosene shall be fed from a tank to the carburetor or mixer by metal tubes securely connected so as to reduce the possibility of leaks to a minimum: The exhaust from the engine shall be conducted by means of metal pipes into the return air current, so that the fumes of combustion will not enter the workings of the mine where the men are required to work, or be conducted in an upcast shaft or slope not used as a means of ingress or egress, or through metal pipes to the surface: At no time shall there be more than five gallons of gasoline, naphtha

Quantity
limit.

or kerosene in the supply tank; at no time shall more than five gallons of same be taken into the mine at any one time, and at no time shall there be more than ten gallons in the mine, including that in the supply tank: No gasoline, naphtha or kerosene shall be taken into the mine except in metallic cans, with a screw cap opening at the top, fitted with a suitable gasket: No package or can, or the supply tank of an engine, containing gasoline, naphtha or kerosene, shall be opened until ready to make the transfer from the package or can to the supply tank, and in transferring, a funnel shall be used so as to avoid spilling the gasoline, naphtha or kerosene, and the cap on the supply tank shall be immediately closed: In no case shall the package, can, or the supply tank, be opened, with any open light or other thing containing fire within twenty-five feet of same.

Opening of
cans or tanks.

Sec. 947. The owner, lessee or agent of a mine in which electricity is used as a means of power, shall observe the following in the application thereof:

All trolley wires shall be carried at least six inches outside of and parallel with the track rail on the side the trolley wire is located. When regular height is less than six feet six inches from top of rail, the lower side of trolley wire must not exceed six inches from the roof or cross-timber with hangers now in use, with hangers not to exceed twenty-five feet between centers, and the tension sufficient to keep all wires from sagging and to prevent trolley wheel from coming in contact with roof or cross-timbers. All new hangers hereafter installed shall not exceed five inches in depth from lower side of the trolley wire to the roof or cross-timbers.

Electricity,
use of, regu-
lated.

All trolley and positive feed wires crossing places where persons or animals are required to travel, shall be safely guarded or protected from such persons or animals coming in contact therewith.

All trolley and positive feed wires shall be placed on opposite side of track from refuge holes or necks of rooms.

No trolley wire shall be extended into or maintained in any room while being used as a working place; no trolley or feed wire shall be extended into any entry beyond the outside corner of the last breakthrough.

Switches or circuit-breakers shall be provided to control the current at the mine, and at all important points in the mine.

Control of
current.

All machine feed wires shall be placed as near the rib and roof or cross-timbers as practicable; the positive wire to be carried not to exceed three inches from the rib and roof or cross-timbers, measured at the insulators, which shall be so placed as to keep the wire at least six inches outside of the track rail on the side the wire is located. Insulators shall be placed not exceeding fifty feet apart, and all wires shall be carried so that same will be not less than six inches outside of the track rail at any point on the side the wire is located. All positive wires shall be car-

ried on glass or porcelain insulators, or insulators equally efficient. All negative wires shall be carried on suitable fixtures, and when carried in same entry as the positive wire, shall be carried on the same side of the entry as the positive wire, and as close to it as practicable. When machine or feed wires are carried in same entry as trolley wire, they shall be placed on the same side as the trolley wire, between trolley wire and rib. Nothing in the foregoing shall require negative wires being carried in same entry with positive wire.

When necessary to carry wires down shafts or slopes used as traveling ways, the wires must be thoroughly cased or protected, so that persons cannot be shocked therefrom.

Rooms to be
free from
wires.

Positive machine feed wires, when extended into rooms, shall be placed not nearer than four feet of the track, where the room is of sufficient width, and the same shall only be connected to the positive wire or wires on the entry while in actual use. The material used for making such connection shall be of sufficient length to reach across the entry, and when same is disconnected, it shall be kept with the machine operating at such point or working place. No electric wires shall be extended into any room unless a one hundred and fifty foot cable will not reach the face of the room, and then not beyond the outside corner of the last breakthrough.

All terminal ends of positive wires shall be guarded so as to prevent persons inadvertently coming in contact therewith.

The bonded track, the negative wires and metallic pipe lines, when coming near each other, may be connected together at intervals not exceeding five hundred feet, and any track used as the return or earth system shall be properly bonded. In no case shall a pipe line, or any part thereof, be used exclusively as the return, and when connected to the earth system, the negative wire or bonded track shall be of ample capacity, exclusive of the pipe line, to carry the current.

Trolley wire.

The trolley wire shall be carried upon hangers or other fixtures which will properly insulate it from contact with the roof or other substances, and so the trolley wheel can trail without the necessity of being constantly attended for that purpose, and no trolley shall be run on any wire not so carried. No locomotive shall be operated by means of a person holding and sliding upon or frequently making contact with the positive wire with any device attached to the cable as a substitute for a trolley, but these provisions shall not prohibit the operation of a locomotive by means of a cable without the use of the trolley, provided the cable be connected to and disconnected from the positive wire when the locomotive is not in motion. Means shall be provided by which machine runners may readily carry the machine cable from the machine to the feed wires on one side of the entry, either under or over the track

rails, in the entry where such wires are located, and so the cable will not come in contact with such track rails, thereby reducing the danger of shock to persons or animals required to travel such entry, to the minimum.

Sec. 948. The owner, lessee or agent of a mine at which electricity with a pressure or potential of more than three hundred and twenty-five volts, or alternating current, is used, shall, in addition to the provisions of the preceding section, observe the following:

At each mine equipped with electric power after the passage and approval of this act, the current used to operate gathering locomotives, mining machines, shearing machines, drills and other machinery used in or about the working places of the mine, shall not exceed in pressure or potential, three hundred and twenty-five volts, direct current, as shown at the nearest switchboard, and the wires conducting the power from the nearest switchboard shall not carry a higher pressure or potential.

Working
places;
limit—325
volts.

At each mine equipped with electric power after the passage and approval of this act, no alternating current shall be used underground to operate any machinery other than that necessary to convert the alternating current to direct current, and no wires carrying alternating current shall be used underground except same be carried in an entry or passage-way where persons and animals are not permitted to travel.

At each mine equipped with electric power after the passage and approval of this act, when the current used to operate haulage locomotives, pumps and other machinery not located in or about the working places of the mine, is of a pressure or potential in excess of three hundred and twenty-five volts, direct current, the entry or passage way where such wires are carried shall not be designated or permitted to be used as the principal traveling way, and when designated or used as the escapement way, the wires shall be protected so that persons required to travel near same in emergencies will not inadvertently come in contact therewith. No pressure in excess of six hundred and fifty volts at the switchboard shall be used underground.

Underground
limit—650
volts.

At each mine equipped with electric power prior to the passage and approval of this act, where the pressure or potential is in excess of three hundred and twenty-five volts, direct current, or where alternating current is used, and the conditions surrounding the use of same are such, in the opinion of the chief inspector of mines, that the provisions of the preceding section do not provide the required protection from shock to persons employed therein, such additional safeguards shall be employed as may be required by the chief inspector of mines, and the district inspector of mines, jointly.

Sec. 949. Any person, firm or corporation beginning the opening of a mine, whether such person, firm or corporation be the owner, lessee or agent of the property upon

Opening mine;
construction
rules.

which such mine is located, or not, shall observe the following in the construction of such mine: If the opening be a slope or vertical shaft, no explosive used therein shall be fired by means of a squib or fuse after the same is extended more than twenty-five feet from the surface, and thereafter and until the slope or shaft reaches the seam, and the entry or landing be extended beyond a breakthrough or other place driven at right angles thereto, no explosive shall be fired except by means of an electric battery operated from the surface after all persons are on the surface. A substantial structure to sustain sheave wheels or pulleys, ropes and loads, shall be provided, and if the opening be a shaft, the same shall be placed at a height of not less than twenty feet above the tipping place. A landing platform shall be arranged in such manner that no material can fall into the shaft while the bucket is being emptied, and in no case shall the shaft be sunk to a depth of more than thirty feet without such structures. If the bucket used for hoisting material is to land on a truck, the track on which said truck is operated, and the platform, shall be so constructed that material cannot fall into the shaft. Rock and coal shall not be hoisted from a shaft or slope except in a bucket or cage attached to the rope by a safety hook, clevis, or other safe attachment, and the bucket or cage securely locked so that same cannot tip or empty while being hoisted. The rope shall be fastened to the side of the drum, and not less than three coils of rope shall always remain on the drum. After the shaft reaches a depth of one hundred feet, the same shall be provided with guides and guide attachments, applied in such a manner as to prevent the bucket from swinging while being lowered or hoisted, and said guides and guide attachments shall be maintained at a distance of not more than seventy-five feet from the bottom of the shaft. The sides of all shafts shall be properly secured for safety, and no loose rock or material shall be allowed to remain on any timber in the shaft after each blast. All loose timber, tools, and materials, shall be kept away from the top of the shaft, so as to reduce the danger of same falling down the shaft. Where explosive gas is encountered, the person in charge shall see that the shaft or slope is examined before each shift of men enter to work, and before the men descend after each blast. Provision shall be made for the proper ventilation of the slope, or shaft, so that persons working therein will have the necessary air. An efficient brake shall be attached to each drum of an engine used in hoisting material and persons, and all machinery, ropes and chains connected therewith shall be carefully examined once each twelve hours. Not more than four persons shall be lowered or hoisted in or on a bucket at one time, and no person shall be permitted to ride on a loaded bucket. The bucket used in lowering or hoisting persons shall be equipped with proper safety devices, so that same cannot become detached from the rope or cable,

Landing platform.

Explosive gas provisions.

Safety device on bucket.

and cannot tip or turn upside down while being so used. The chief inspector of mines, and the district inspector of mines, shall have jurisdiction over such mine when the shaft or slope reaches a depth of twenty-five feet, and such person, firm or corporation shall comply with any order issued by either or both of them with respect to the safety of persons employed. Other than the provisions herein, the provisions of this act shall not apply to the opening of a mine until such opening reaches the seam, and the entry or landing be extended beyond a breakthrough, or other place driven at right angles thereto.

Sec. 950. When, in the opinion of the district inspector of mines, together with the chief inspector of mines, the ways and means of egress in any mine under their jurisdiction, from the interior working places to the surface, as provided for in this act, are inadequate as a safe and ready means of escape in case of probable emergency, and there are extra hazards of a permanent nature that cannot be removed either from long distance from the interior working places to the exterior openings for egress, from danger of fire at any point, or any other cause that probably will result in the entombment of persons working therein, they shall jointly give notice in writing to the owner, lessee or agent of such mine, and require an additional opening by shaft, slope, or drift, from the surface; the location of the interior end of such shaft, slope or drift, to be sufficiently near the interior working places in that part of the mine where such persons are endangered, to afford such persons safe and ready means of escape, free from such hazards. If the owner, lessee or agent of such mine on the one part, and the district inspector of mines together with the chief inspector of mines on the other part, fail to agree as to the location of such additional opening, or, if the owner, lessee or agent of such mine considers that the conditions and hazards enumerated in such notice do not justify the requirement of such additional opening, such owner, lessee or agent, may, within five days after receiving such notice, appeal against such requirement on the part of the district inspector of mines and the chief inspector of mines, to any court of competent jurisdiction within the state.

Emergency
shaft, slope or
drift.

Sec. 951. The superintendent in charge of a mine shall see that the provisions of this act are carried out, and shall, in case of an accident resulting in the death of or injury to persons, carefully investigate such accident, and report to the chief inspector of mines, as provided for in this act, and to the owner, lessee or agent of the mine. He shall give such other notice to the chief inspector of mines as required by the provisions of this act, and shall co-operate with the mine-foreman and direct him as may be necessary in securing a compliance with the provisions of this act, and the safety of the persons employed in the mine. Nothing herein shall prohibit the superintendent from fulfilling the duties of mine-foreman.

Duties of
mine-super-
intendent.

Duties of
mine-fore-
man.

Sec. 952. The mine-foreman shall attend personally to his duties in the mine, carry out all the provisions set forth in this act, see that the regulations prescribed for each class of workmen under his charge are carried out in the strictest manner possible, and see that any deviations from any of them are promptly adjusted.

In case of accident to a ventilating fan, or its machinery, whereby the ventilation of the mine would be seriously interrupted, he shall promptly order the men to immediately withdraw from the mine and not return to their work until the ventilation has been restored, and his permission to enter is given; if at a mine which generates fire-damp, he shall not order them to return until the mine has been thoroughly examined by him, or his assistant, and reported to be safe.

Danger
signals.

He shall see that all dangerous places are properly fenced off, and proper danger signal boards are hung on such fencing that they may be plainly seen; he shall also travel all air-ways, and examine all the accessible openings to old workings as often as is necessary to insure their safety.

He shall examine each working place, or have it examined by his assistant, at least once each alternate day that persons are or should be at work therein, and oftener, when, in his judgment, the circumstances require. He shall instruct pick miners and machine runners regarding the width of working places.

Sec. 953. When a working place becomes unsafe from any cause, he shall order the person or persons working therein, to cease mining or loading, and not to remain in such working place, except as may be necessary to make it safe, until it is made safe.

Examination
of working
places.

He shall see that the working place of each miner is kept supplied with props of approximate length, caps, and other timbers necessary to securely prop the roof thereof. When he examines a working place, he shall observe the condition of the roof and timbering, and instruct the workmen therein as to the proper method of timbering for the security of the roof. He shall give such instructions to drivers, motormen, trip-riders, and other persons, as may be necessary to keep a supply of timber in each working place.

When he finds a miner in a working place without the necessary props, caps or timbers to securely prop the roof thereof, he shall order such miner to leave such working place until the required timber is supplied, which he shall attend to promptly, and shall order that no cars be delivered to such miner, until timber is supplied.

Ventilation.

He shall keep a careful watch over the ventilating apparatus and air-ways, and measure the ventilation at least once each week, at the inlet and outlet, and at or near the face of all entries; which measurement shall be noted on blanks furnished by the chief inspector of mines. On the

first day of each month, he shall sign such blanks, properly filled with the actual measurements, and forward them to the chief inspector of mines.

He shall keep a record of the boys under sixteen years of age employed by him, or by any other person, giving the name, age, place of birth, name and residence of parents, and character of employment. He shall require written evidence from the parent or guardian of each of said minors, that the requirements of the school laws of this state have been complied with.

Boys, under 16 years.

The duties of mine-foreman shall apply to assistant mine-foreman, when acting for the mine-foreman, or in discharging the duties thereof.

Sec. 954. The over-seer shall visit the working place of each inexperienced person engaged at mining or loading, at such intervals as provided for in this act, and instruct them as to their work and safety and assist them in caring for their safety. He shall instruct such persons not to handle or use any explosives except in his presence, until they have been employed in a mine not less than three months, and not then until he is satisfied that such persons are fully competent to handle and use same with safety. When, in his judgment, such persons require more frequent supervision than provided for in this act, he shall visit their working places as frequently as in his judgment the circumstances require. The foregoing shall not prohibit the mine-foreman from fulfilling the duties of over-seer, so long as all the provisions of this act are complied with.

Duties of over-seer.

Sec. 955. The stableman shall see that the provisions of this act relating to stables are carried out, and shall forbid persons not required by duty, to enter the stable or loiter in or about same, whether the stable be inside of the mine or on the surface.

Duties of stableman.

The fire-boss shall examine with a safety lamp each working place, whether the same is in the actual course of working or not, the traveling ways and entrances to old workings in the mine every morning, not more than three hours prior to the appointed time for the employes to enter the mine. As evidence of such examination, he shall mark with chalk upon the face of the coal, or in some other conspicuous place, his initials and date of the month. If there is any standing gas discovered, he shall leave a danger signal across every entrance to such place.

Duties of fire-boss.

He shall make a report on a blackboard provided on the outside of the mine for that purpose, and arranged so the men can conveniently inspect it, showing the condition of the mine as to the presence of fire-damp, and indicating the place, or places, where present, if any is present, before he permits any person to enter the mine. He shall examine parts of the mine not in the actual course of working and available, not less than once each three days.

The fire-boss shall make a written report, which shall be kept in the office, or some place at the mine where it

Fire-boss report.

can be seen by the mine inspector when called for. He shall see that every part of the mine is kept free from standing gas, and that all old workings are properly fenced off, as provided for in this act. He shall return to the mine with the miners and remain there at least one hour, attending to the removal of any standing gas. He shall examine the mine on idle days and Sundays if any men are required to work in any part of it, and if more than three hours elapse between the day turn leaving and night turn starting, the places to be worked by night turn must be examined by him with a safety lamp, and reported safe before persons go to them.

Duties of
miner, as to
his working
place.

Sec. 956. Each miner shall examine his working place upon entering same, and shall not commence to mine or load until it is made safe. He shall be very careful to keep his working place in a safe condition at all times.

Should he at any time find his place becoming dangerous from any cause or condition, he shall at once cease work, and notify the mine-foreman, or assistant mine-foreman, of such danger, and, upon leaving such place, he shall place some plain warning at the entrance thereto, to warn others from entering into the danger, and shall not return until ordered to do so by the mine-foreman, or assistant mine-foreman.

Propping of
roof.

Each miner, or other person employed in a mine, shall securely prop the roof of the working place therein under his control, and shall obey any order, or orders, given by the superintendent or mine-foreman relating to the width of working places, and to the security of the mine in the part thereof where he is at work, and for fifteen feet back from the face of his working place. Such miner, or other person, shall not be held to have violated the provisions of this clause if the owner, lessee or agent fails to supply the necessary props, caps, and timbers, as provided for in this act.

Each miner, or other person, shall avoid waste of props, caps, timber, or other material. When he has props, caps, timber, or other material unsuited for his purpose, he shall not cover up or destroy same, but shall place it near the track where it can be readily seen.

He shall not fire a blast in any working place which is likely to generate sudden volumes of fire-damp, or where locked safety lamps are used, except with the consent of the mine-foreman, or other competent person designated by the mine-foreman for that purpose.

Firing of
shots.

At a mine where the firing of shots is restricted to specific times, no miner shall fire a shot until the time appointed for him to do so, and then only in such rotation as designated.

After each blast, he shall exercise great care in examining the roof and coal, and shall secure them safely before beginning to load coal.

After the coal is undermined, he shall, before shooting the coal, properly post the roof of his working place.

When draw-slate is over the coal, he shall not go underneath the draw-slate until it is made safe from falling, by securely posting it, and he shall not remove the posts until the coal is removed and he is ready to take down the draw-slate.

He shall not place in the gob or refuse pile, or cover up, any fine coal or coal dust, but shall load same into cars.

Sec. 957. Machine runners and helpers shall use care while operating mining machines. They shall not operate a machine unless the shields are in place, and shall warn persons not engaged in the operating of a machine of the danger in going near the machine while it is in operation, and shall not permit such persons to remain near the machine while it is in operation. They shall examine the roof of the working place and see that it is safe before starting to operate the machine. They shall not move the machine while the cutter chain is in motion. When connecting the power cable to the electric wires, they shall make the negative or grounded connections before connecting to the positive, and when disconnecting the power cable, shall disconnect from the positive line before disconnecting the negative or grounded. When positive feed wires extend into rooms, they shall connect such wires to the positive wire on the entry before connecting the power cable, and as soon as the power cable is disconnected, shall disconnect such wire from the wire on the entry. They shall use care that the cable does not make contact with metallic rails of the track, and shall avoid, where possible, leaving the cable in water. If they remove props which have been placed by the miner for the security of the roof, they shall reset such props as promptly as possible.

Duties of machine runners and helpers.

Sec. 958. Motormen and trip-riders shall use care in handling the locomotive and cars, and shall see that the signal or marker, as provided for, is used as provided, and shall be governed by the speed provided for in this act in handling cars.

Duties of motormen and trip-riders.

They shall not run the locomotive with the trolley ahead of the locomotive, except in cases where they cannot do otherwise, and then only at a speed of two miles per hour.

They shall warn persons forbidden to ride on the locomotive or cars, and shall not permit such persons to ride on locomotive or cars contrary to the provisions of this act.

The trip-rider in charge of rope haulage trips shall see that the signal light, as provided for in this act, is in place and in proper condition before starting trip.

Drivers shall use care in handling cars, especially going down extreme grades, and at junction points.

Motormen, trip-riders and drivers in charge of haulage trips passing through doors used as a means of directing the ventilation, shall see that such doors are closed promptly after the trip passes through.

Fire-damp
restrictions.

Sec. 959. No person shall enter a mine generating fire-damp so as to be detected by a safety lamp, until the fire boss makes a report outside the mine on a blackboard provided for that purpose, and arranged where the men can conveniently inspect it. No person shall go beyond a danger signal, until all standing gas discovered has been removed or diluted and rendered harmless by a current of air.

Any person being ordered by the mine-foreman to withdraw from the mine on account of the interruption of the ventilation shall not re-enter the mine until given permission to do so by the mine-foreman.

When more than ten persons get on a cage or elevator to be lowered into a mine, or to be hoisted out of a mine, the person in charge of the lowering and hoisting of such persons shall order a sufficient number to get off to reduce the number to ten persons, and the persons so ordered shall immediately comply.

Each employe of a mine shall go to and from his place of duty by the traveling ways provided; shall not travel around the mine, or the buildings, tracks or machinery connected therewith, where duty does not require, and when not on duty, shall not loiter at, in, or around the mine, the buildings, tracks or machinery connected therewith.

Intoxicants
forbidden.

No person shall go into, at, or around a mine, or the buildings, tracks or machinery connected therewith, while under the influence of intoxicants. No person shall use, carry, or have in his possession, at, in, or around a mine, or the buildings, tracks or machinery connected therewith, any intoxicants.

No person other than the fire boss shall remove or go beyond any caution board or danger signal placed at the entrance to any working place, or to the entrance to any old workings in a mine.

Sec. 960. No person shall erase or change a mark of reference or monument made in connection with measurements; change the checks on cars; wrongfully check a car, or do any act with intent to defraud.

Lighted pipe
forbidden
about stable.

No person shall take a lighted pipe, or other thing containing fire, except lanterns as provided for, into any stable or barn.

No person shall place refuse in, or obstruct any air-way or breakthrough used as an air-way.

No workman, or other person, shall knowingly injure a water gauge, barometer, air-course, brattice, equipment, machinery, or live stock; obstruct or throw open an air-way; handle or disturb any part of the machinery of the hoisting engine of a mine; open a door of a mine and neglect to close it; endanger the mine or those working therein; disobey an order given in pursuance of law, or do a willful act whereby the lives and health of persons working therein, or the security of a mine, or the machinery connected therewith may be endangered.

Sec. 961. No person or persons except those in charge of trips, superintendents, mine-foremen, electricians, machinists and blacksmiths, when required by their duty, shall ride on haulage trips, except where by mutual agreement in writing, between the owner, lessee or agent, and the employes, a special trip of empty cars is run for the purpose of taking employes into and out of the mine, or empty cars are attached to loaded trips, which shall not be run at a speed exceeding eight miles per hour. No person except a trip rider shall ride on loaded car or cars, and he shall ride only the front or rear end of the trip.

Riding loaded cars.

No person, except as hereinafter provided for, shall use in any coal mine, any oil lamp for the purpose of maintaining an open light, more than two and one-half inches in height, with spout not more than three inches long, with opening not more than three-eighths inch in diameter; provided, however, that mine-foremen, electricians, machinists, motormen, trip-riders, drivers, and other persons whose duties require them to ride on moving trips, work in main air current, or travel frequently from place to place, may use lamps not exceeding three and one-half inches in height, with spout not more than four and one-half inches long, with opening not more than five-eighths of an inch in diameter.

Oil lamp regulations.

Sec. 962. No workman shall have at any one time more than one twenty-five pound keg of blasting powder in the mine, nor more than three pounds of high explosives, and no person shall keep blasting powder or explosives dangerously near the electric wire or power cable in any part of the mine where electric wires are in use. No blasting powder, or other explosive, shall be stored in any mine except as above provided.

"Explosive" restrictions.

Every person who has powder or other explosives in a mine shall keep same in a wooden box, or boxes, securely locked, and said boxes shall be kept at least five feet from the track, and no two powder boxes shall be kept within twenty-five feet of each other, nor shall blasting powder and high explosives be kept in the same box, and in no case shall detonating caps be kept in a box with blasting powder or high explosives.

Whenever a workman is about to open a box, package or keg containing powder or other explosives, and while handling the same, he shall place and keep his lamp at least five feet distant from said explosive, and in such position that the air current cannot convey sparks to it; and no person shall approach nearer than five feet to any open box, keg or package containing powder or other explosives, or within five feet of another person handling such explosives, with a lighted lamp, lighted pipe, or other thing containing fire.

Opening of keg or package.

Blasting powder or explosives must not be taken into or out of a mine, or moved from place to place in a mine along any entry or haulway where there are electric wires,

while the power is on such wires, except when such powder or explosive is conveyed in insulated cars or packages.

Powder, explosives and working tools shall not be taken down or up a hoisting shaft in a cage when men are going down or up; nor shall they be taken down or up a stairway used for ingress and egress of persons.

Firing shot
with squib.

Sec. 963. Any workman who is about to fire a shot with a 'squib, shall not shorten the fuse, saturate it with oil, nor ignite it except at the extreme end; he shall see that all persons are out of danger from the probable effects of such shot, and if it be a rib shot, he shall notify the person or persons working next to him on said rib before firing said shot, and shall take measures to prevent any one approaching by shouting "fire" immediately before lighting the fuse.

When a squib is used and a shot misses fire, no person shall return until five minutes shall have elapsed.

When a fuse is used and a shot misses fire, no person shall return until one hour for each foot of fuse used shall have elapsed.

Needle and
tamping-bar.

The needle used in preparing a blast shall be made of copper, and the tamping bar shall be made of wood, or shall be tipped with at least five inches of solid copper.

No inflammable material, or any material that may create a spark, shall be used for tamping, and some soft material must always be placed next to the cartridge or explosive. When it is necessary to tamp dynamite, nothing but a wooden tamper shall be used.

Sec. 964. Persons not employees of a mine, except those permitted by law, shall not enter such mine or go upon the property connected therewith, unless consent of the owner, lessee or agent has been secured, and then only when accompanied by a guide furnished by such owner, lessee or agent. This, however, shall not prohibit persons seeking employment at such mine, or the duly authorized representatives of the employees, from entering upon the property as may be necessary to make such application to the proper authority or to transact business, provided such persons do not enter the mine until given permission to do so, and do not stand on the tracks, go near the machinery, or other place of danger.

Qualifications
of miner.

Sec. 965. Each person desiring to work by himself at mining or loading, shall first produce satisfactory evidence, in writing, to the mine-foreman of the mine in which he is employed, or to be employed, that he has worked at least nine months with, under the direction of, or as a practical miner; provided, however, if the mine in which such person is to be employed generates explosive gas, or fire-damp, he shall have worked not less than twelve months with, under the direction of, or as a practical miner. Except as hereinafter provided, until a person has so satisfied the mine-foreman of his competency, he shall not work, or be permitted to work at mining or load-

ing unless accompanied by a competent miner. The provisions of this section shall not prohibit a person not so qualified from working in a mine by himself, or with another inexperienced person, when such person or persons work under the direction of a competent overseer, as hereinafter prescribed. Until such person or persons have been employed in a mine for a period of not less than three months, the over-seer shall visit the working place of such persons not less frequently than once in each four hours that such persons are in the mine, and instruct them as to their work and safety, and assist them in caring for their safety. After such persons have been employed in a mine for a period of three months, and until they have been employed not less than six months, the over-seer shall examine the working place not less frequently than once during each six hours that such persons are in the mine, and shall instruct them as to their work and safety, and assist them in caring for their safety. After such persons have been employed in a mine for a period of not less than six months, the over-seer shall examine the working place not less than once each day until such persons become qualified by having worked the period of time hereinbefore provided. The over-seer shall instruct such persons not to handle or use any explosives, except in his presence, until they have been employed in a mine not less than three months, and not then until he is satisfied that such persons are fully competent to handle and use same with safety. The over-seer shall visit the working place of such persons oftener than required herein, when, in his judgment, it is necessary to do so for the proper safety of such persons.

Visits of
over-seer.

Sec. 966. Any person employed to weigh coal at a mine in which ten or more miners are employed, and upon the weight of which the earnings of the miners depend, shall take and subscribe to an oath before an officer authorized to administer the same, that he will correctly weigh all coal taken from such mine under existing contracts between the owner, lessee or agent, and the miners, and give due credit for same; and when required by existing contracts between the lessor and lessee, he shall give due credit to such lessor. He shall also give a bond in the sum of three hundred dollars, with two sureties approved by the clerk of the township in which such mine is situated, conditioned for the faithful discharge of his duties, and payable to the state, with the oath indorsed thereon, which shall be deposited with such township clerk.

Weigher's
oath and
bond.

Sec. 967. The miners employed in a mine may appoint two of their number to act as a committee to inspect, not oftener than once in every month, the mine and the machinery connected therewith, and to measure the ventilating current. If the owner, lessee or agent so desires, he may accompany such committee or appoint two or more persons for that purpose. The owner, lessee or agent shall afford every necessary facility for making such inspection

Inspection
committee.

and measurement, but the committee shall not in any way interrupt or impede the work in the mine at the time of such inspection and measurement. Within ten days after the inspection and measurement, such committee shall make a correct report thereof to the chief inspector of mines, on blanks furnished by him.

Appropriation
of land.

Sec. 968. The owner, lessee or agent of a coal mine, may, when such owner, lessee or agent does not own or control suitable surface ground for openings for the ingress and egress of persons employed therein, for the means of ventilation as provided for in this act, for the means of draining said mine as may best protect the lives and health of the persons employed therein, for the protection of the employes and property, for conducting the water from the mine to any natural water course, or for a suitable roadway from any opening to a public highway, appropriate as hereinafter provided, for any one or more of such purposes any required intervening or adjoining lands, and make openings, lay pipe for conducting water, and maintain roadways into, upon, over, under or through same, provided that no land shall be appropriated for a roadway more than twenty feet in width, and no land for any other one of such purposes in excess of one-quarter of an acre. Such owner, lessee or agent, whether a corporation, firm or individual, shall be governed in proceedings to appropriate such land by the laws relating to the appropriation of private property by corporations; but no land shall be so appropriated unless the court is satisfied that suitable land cannot be obtained upon reasonable terms.

Sec. 969. Each person owning land adjoining a mine worked for the production of coal, and each person interested in such mine, who has reason to believe that the protection of his interests therein or in the coal on his adjoining land requires it, upon making affidavit to that effect before a justice of the peace or other proper officer, may enter such mine and have an examination or survey of it made, after giving three days' notice, in writing, to the owner, lessee or agent of such mine. Such examination shall be made at such time, and in such manner, as will least interfere with the working of the mine.

Surveying
party ar-
rangement.

When the affidavit has been made, and notice given, as provided in the foregoing, upon the application of the person giving the notice, the person in charge of such mine shall transport, by the ordinary method for entrance and exit in use at such mine, a surveying party of not more than three persons, furnish them a competent guide, and supply them with necessary and proper lamps. The person in charge of the mine shall be paid by the person requesting the survey fifty cents for each person so transported, and five dollars per day for the guide; but, if the shaft, (if such mine be a shaft mine), exceed two hundred

and fifty feet in depth, he shall be paid one dollar for each person so transported.

If the owner or lessee of such mine sustain damage for which compensation should be made because such examination or survey was made at unreasonable times, or in an improper or unwarrantable manner, the person making such examination or survey, or causing it to be made, shall be liable therefor to such owner or lessee.

The persons owning or operating a mine shall not hinder or obstruct such examination or survey, if made at a reasonable time, and in a reasonable manner, and as provided by law.

The preceding provisions for examination and survey shall be available to any person, who, on his oath, states that he is the owner, or authorized agent of an owner, of land which he believes contains coal or commercial products adjacent to the underground workings of a mine, although it does not adjoin the property of such mine.

Upon the refusal of the owner, lessee or agent of a mine to comply with the provisions of this section, the person who makes the application for the survey may recover judgment, as upon default, in a court of competent jurisdiction, against the owner, lessee or agent, in such sum as he declares under oath that he believes to be justly due him for coal belonging to him taken by the owner, lessee or agent of the mine without his permission, and the statute of limitations shall not run against such claim, but the demand, and refusal of permission to enter such mine, must be first proven to the satisfaction of the court or jury.

Judgment,
upon refusal
to enter mine.

Sec. 970. The miners employed at a mine where the earnings of such miners depend upon the weight of coal mined, may, at their own cost, designate or appoint a competent person as checkweighman, who, at all proper times, shall have full right of access to and examination of the scales, machinery or apparatus used at such mine to determine the correct weight of coal mined, and whose duty shall be to see the coal weighed and to make a correct record of such weights. Not more than one person, however, on behalf of the miners collectively shall have such right at the same time.

Check weigh-
man; duties,
etc.

The landowners, or other persons interested in the rental or royalty at such mine, may, at their own cost, designate or appoint a competent person to act as checkweighman for them, who shall have the same rights as the checkweighman for the miners. Not more than one person, however, on behalf of the landowners, or other persons interested in the rental or royalty, jointly, shall have such right at the same time. Checkweighmen shall not interfere with the use of or tamper with such scales, machinery or apparatus, nor make any false entry of any weight, or in any manner exceed the duties prescribed herein.

The miners employed at a mine where the earnings of such miners depend upon measurements, may, at their

Check-meas-
urer.

own cost, designate or employ, not more than one of their number as check-measurer to accompany each mine-foreman or other person making the measurements and see them make such measurements, and make a correct record of same. Each mine-foreman or other person making measurements may have a helper, but such helper shall not be regarded as a person making measurements. The person or persons designated as check-measurer shall not in any manner interfere with or interrupt the work of the mine-foreman or other person, while making such measurements.

Going under
roads or high-
ways.

Bond.

Sec. 971. Any person, firm or corporation now or hereafter owning any land containing mineral, coal, stone or clay, and over any portion of which shall pass any state, county or township road or public highway, shall have the right and are hereby authorized to drill, excavate, mine or quarry through or under any such road; provided, however, that when any excavation is to be made in such manner that the top or highest level of such excavation will be extended within thirty feet vertical distance of such road, then and in that case before said work shall be commenced, such person, firm or corporation shall execute and deliver to the board of county commissioners in case of state or county roads, or to the township trustee in case of township roads, a bond, with good and sufficient surety in such amount as shall be considered by said commissioners or trustees sufficient to cover any damages that may accrue by reason of excavating, mining or quarrying through or under any such road, the same to be approved by said commissioners or trustees; conditioned that while crossing over or mining or quarrying under any such road, a safe and unobstructed passageway or road shall be kept open by such person, firm or corporation for public use, and as soon as practicable such road shall be fully restored to its original safe and passable condition. When such crossing is made by excavation at a depth of more than thirty feet below the surface of such road, the person, firm or corporation making same shall be liable to the county commissioners or township trustees for any damage that may accrue by reason of such excavation, and shall be held to fully repair any such damage and to restore such road to its original safe and passable condition. The right to mine or quarry across or under public highways as hereinbefore provided shall accrue to the owner, lessee or agent of the land upon or through which such highway passes.

Right of ac-
tion.

Sec. 972. In case of an injury to persons or property, occasioned by a violation of any of the provisions of this act, or any willful failure to comply with any provision of this act by any owner, lessee or agent of a mine, a right of action shall accrue to the person injured, for any direct damage he may have sustained thereby. In case of loss of life, by reason of such willful neglect or failure, a right of action shall accrue to the widow and lineal heirs of the

person whose life has been lost, for like recovery of damages for the injury they shall have sustained.

Each person who performs labor in opening or developing any coal mine, mining coal, and labor connected therewith, shall have a lien upon all the property of the person, firm or corporation owning, constructing or operating such mine, for the value of such labor for the full amount thereof, upon the same terms, with the same rights, and to be secured and enforced as mechanic's liens are secured and enforced.

Sec. 973. Any person, firm or corporation who drills or causes to be drilled through any workable seam of coal, any oil or gas well, and any person, firm or corporation who operates any oil or gas well which has been drilled through any workable seam of coal, shall observe the following:

Oil or gas well provisions.

Any person, firm or corporation intending to drill an oil or gas well where same is likely to penetrate a workable seam of coal, shall give notice, in writing, of such intention to the chief inspector of mines, stating the location of the land upon which such well is to be drilled, and procure from him before proceeding to drill, permission in writing.

Written notice from the owner, lessee or agent of the seam of coal, setting up the facts that the oil or gas well to be drilled, will, or that the well already drilled has penetrated a workable seam of coal, shall be sufficient notice to the person, firm or corporation intending to drill or having drilled such well, that such well will or has penetrated a workable seam.

The person, firm or corporation drilling or operating an oil or gas well, shall make or cause to be made a map showing the location of such well and the surface upon which located, and for a distance of five hundred feet contiguous thereto. Such map shall bear the sworn certificate of the engineer, and shall be filed with the chief inspector of mines within ten days from the time the drilling of such well is commenced; provided, however, that wells previously drilled and in operation upon the passage and approval of this act, such map shall be filed within thirty days, and such map shall show the location of each oil or gas well, building and mine opening within the limits of such map.

Map; certificate and filing.

No oil or gas well shall be drilled hereafter nearer than one hundred feet to any opening to a mine used as a means of ingress or egress for the persons employed therein, nor nearer than one hundred feet to any building or inflammable structure connected therewith. No oil or gas well shall be drilled through the underground workings of an operating coal mine at any point which would interrupt the operations of such mine, or endanger the safety of the persons employed therein.

Each well shall be cased with wrought iron casing, securely connected together by means of substantial

Casing.

wrought iron collars of approximately the same outside diameter as the diameter of the drill hole, from a point fifty feet below the lowest workable seam of coal to the surface.

When any oil or gas well which has been drilled through a workable seam of coal be abandoned, the wrought iron casing, as herein provided for, shall be left in such well from a point fifty feet below the lowest workable seam of coal to the surface, and such casing shall be extended not less than ten feet above the surface and protected from danger of being filled by refuse by means of a cast-iron elbow, securely fastened to the top of such casing, and the horizontal opening securely fitted with a substantial perforated metal cap, or plug, with perforations sufficient to permit the ready escape of gas into the atmosphere; provided, however, if the well to be abandoned was drilled prior to the passage of this act, has penetrated a workable seam of coal, and the well has not been cased as provided herein, such casing shall be put in before abandonment.

Abandoned
well.

When any oil or gas well is abandoned, the person, firm or corporation having drilled or operated such well, shall certify, in writing, under oath, to the chief inspector of mines, such fact.

Illuminating
oil; composi-
tion.

Sec. 974. No person, firm or corporation shall compound, sell or offer for sale for illuminating purposes in any coal mine, any oil other than oil composed of not less than eighty-four per cent. of pure animal or vegetable oil, or both, and not more than sixteen per cent. pure mineral oil. The gravity of such animal or vegetable oil shall not be less than twenty-one and one-half, and not more than twenty-two and one-half degrees Baume scale, measured by Tagliabue or other standard hydrometer, at a temperature of sixty degrees Fahrenheit; the gravity of such mineral oil shall not be less than thirty-four, and not more than thirty-six degrees Baume scale, measured by Tagliabue or other standard hydrometer, at a temperature of sixty degrees Fahrenheit, and the gravity of the mixture shall not exceed twenty-four degrees Baume scale, measured by Tagliabue or other standard hydrometer at a temperature of sixty degrees Fahrenheit.

Label.

Each person, firm or corporation compounding oil for illuminating purposes in a coal mine, or mines, shall, before shipment thereof is made, securely brand, stencil or paste upon the head of each barrel or package, a label which shall have plainly printed, marked or written thereon, the name and address of the person, firm or corporation compounding the oil therein contained, the name and address of the person, firm or corporation having purchased same, the date of shipment, the percentage and the gravity in degrees Baume scale, at a temperature of sixty degrees Fahrenheit, of each of the component parts of animal, vegetable and mineral oil contained in the mixture, and the gravity in degrees Baume scale at a temperature of sixty degrees Fahrenheit of the mixture.

Each label shall have printed thereon, over the fac simile signature of the person, firm or corporation having compounded the oil, the following: "This package contains oil for illuminating purposes in coal mines in the state of Ohio, and the composition thereof as shown hereon is correct."

Sec. 975. No person, firm or corporation shall sell or offer for sale, any oil for illuminating purposes in any coal mine unless the barrel or package in which such oil was received bears the label of the compounder as provided for in this act. Each person, firm or corporation selling or offering for sale any oil for illuminating purposes in any coal mine, shall, upon request of any district inspector of mines, or of any officer or duly authorized agent of any owner or lessee of a coal mine located within two miles of the point where such oil is offered for sale, submit such oil and the original containers for examination, and upon request, give a sample of such oil from one or more original containers selected by such inspector, officer or agent, for the purpose of making a test thereof.

Examination
of oil.

No person shall adulterate any oil either before or after taking same from the original containers, and shall not alter, transfer, or re-use any label placed upon any container.

Adulteration
forbidden.

No person shall use for illuminating purposes in any coal mine, any oil other than the oil specifically provided for in this act. Each person, while in a coal mine, shall, upon request of any district inspector of mines, or any officer or duly authorized agent of the owner or lessee, submit his lamp and supply of oil for examination, and upon request, give sample of oil for purpose of making test thereof, and state from whom purchased.

The provisions of this act relating to the compounding, sale and use of oil for illuminating purposes in coal mines, shall apply to oil used in lamps for open lights. The oil used in safety lamps may be of such composition as will best serve the purpose.

Sec. 976. Any county coroner who, after receiving notice of a fatal accident, or of an accident which has resulted in the death of a person at, in, or around a mine, from the owner, lessee or agent of such mine, or the chief inspector of mines, willfully refuses or neglects to comply, so far as such provisions relate to him, with the provisions of section nine hundred and twenty-one of the General Code, shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than fifty dollars, at the discretion of the court.

Refusal or
neglect of cor-
oner.

Penalty.

Any owner, lessee or agent of a mine, or any person, firm or corporation opening a new mine having written knowledge of a violation of this act, who willfully refuses or neglects to comply with the provisions of sections nine hundred and twenty-two, nine hundred and twenty-three, nine hundred and twenty-four, nine hundred and twenty-five, nine hundred and twenty-six, nine hundred and twen-

Refusal or
neglect of
owner, lessee
or agent.

ty-seven, nine hundred and twenty-eight, nine hundred and twenty-nine, nine hundred and thirty, nine hundred and thirty-one, nine hundred and thirty-two, nine hundred and thirty-three, nine hundred and thirty-four, nine hundred and thirty-seven, nine hundred and thirty-eight, nine hundred and thirty-nine, nine hundred and forty, nine hundred and forty-one, nine hundred and forty-two, nine hundred and forty-three, nine hundred and forty-four, nine hundred and forty-five, nine hundred and forty-six, nine hundred and forty-seven, nine hundred and forty-eight, nine hundred and forty-nine, nine hundred and fifty, or nine hundred and seventy-one of the General Code, shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than fifty dollars, and for a second or any subsequent offense shall be fined not less than fifty dollars nor more than one hundred dollars, at the discretion of the court.

Penalty.

Refusal or neglect of superintendent, mine-foreman, foreman or over-seer.

Any superintendent, mine-foreman, foreman or overseer, who willfully refuses or neglects to comply, so far as such provisions relate to each of them, with the provisions of sections nine hundred and fifty-one, nine hundred and fifty-two, nine hundred and fifty-three and nine hundred and fifty-four of the General Code, shall upon conviction thereof, be fined not less than ten dollars nor more than twenty-five dollars, and for a second or subsequent offense, shall be fined not less than ten dollars nor more than twenty-five dollars, or imprisoned not less than ten days nor more than twenty days, or both, at the discretion of the court.

Any person, or persons, who willfully refuses or neglects to comply with the provisions of section nine hundred and fifty-five of the General Code, or enters a mine generating fire-damp before it is reported by the fire-boss that it is safe for persons to enter, or goes beyond a danger signal indicating an accumulation of fire-damp, as forbidden by the provisions of section nine hundred and fifty-nine of the General Code, shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than fifty dollars, and for a second or any subsequent offense shall be fined not less than twenty-five dollars nor more than fifty dollars, or imprisoned not less than ten days nor more than twenty days, or both, at the discretion of the court.

Any person, or persons, who violates the provisions of sections nine hundred and fifty-six, nine hundred and fifty-seven, nine hundred and fifty-eight, nine hundred and sixty, nine hundred and sixty-one or nine hundred and sixty-two of the General Code, or violates the provisions of section nine hundred and fifty-nine of the General Code other than to enter a mine generating fire-damp before the fire-boss reports it safe, or to go beyond a danger signal indicating an accumulation of fire-damp, shall, upon conviction thereof, be fined not less than five dollars nor more than ten dollars, and for a second or any subsequent offense shall be fined not less than five dollars nor more than

Penalty.

ten dollars, or imprisoned not less than five days nor more than ten days, or both, at the discretion of the court.

Any person who willfully violates the provisions of sections nine hundred and sixty-four, nine hundred and sixty-five, nine hundred and sixty-six, nine hundred and sixty-seven or nine hundred and seventy of the General Code, or violates the provisions of section nine hundred and fifty-nine of the General Code relating to loitering and intoxicants, at, in or around a mine, shall, upon conviction thereof, be fined not less than five dollars nor more than ten dollars, and for a second or any subsequent offense shall be fined not less than five dollars nor more than ten dollars, or imprisoned not less than five days nor more than ten days, or both, at the discretion of the court. Penalty.

Any person, firm or corporation who violates or willfully refuses or neglects to comply with the provisions of section nine hundred and seventy-three of the General Code, shall upon conviction thereof, be fined not less than one hundred dollars and not more than five hundred dollars, and for a second or any subsequent offense shall be fined not less than two hundred dollars and not more than one thousand dollars, or imprisoned not less than thirty days nor more than six months, at the discretion of the court. Penalty.

Any person, firm or corporation who compounds, sells or offers for sale to dealers any oil for illuminating purposes in any mine in this state contrary to the provisions of sections nine hundred and seventy-four and nine hundred and seventy-five of the General Code, shall upon conviction thereof, be fined not less than fifty dollars nor more than one hundred dollars, and for a second or any subsequent offense shall be fined not less than one hundred dollars nor more than two hundred dollars, or imprisoned not less than thirty days nor more than sixty days, or both, at the discretion of the court. Penalty.

Any person, firm or corporation who sells or offers for sale to any employe of a mine for illuminating purposes in a mine contrary to the provisions of sections nine hundred and seventy-four and nine hundred and seventy-five of the General Code, shall upon conviction thereof, be fined not less than twenty-five dollars nor more than fifty dollars, and for a second or any subsequent offense shall be fined not less than twenty-five dollars nor more than fifty dollars, or imprisoned not less than ten days nor more than twenty days, or both, at the discretion of the court. Penalty.

Any person who knowingly uses for illuminating purposes in a mine, any oil contrary to the provisions of sections nine hundred and seventy-four and nine hundred and seventy-five of the General Code, shall, upon conviction thereof, be fined not less than five dollars nor more than ten dollars, and for a second or any subsequent offense shall be fined not less than five dollars nor more than ten dollars, or imprisoned not less than five days nor more than ten days, or both, at the discretion of the court. Penalty.

Disposition of
fines.

Sec. 977. All fines collected by reason of prosecutions begun under the provisions of this act, shall be paid to the chief inspector of mines, and by him paid into the state treasury.

Repealed sections.

Sec. 978. Any prosecutions begun under the provisions of this act shall be controlled by sections thirteen thousand four hundred and twenty-three and thirteen thousand four hundred and thirty-two to thirteen thousand four hundred and thirty-nine inclusive of the General Code.

SECTION 2. That sections 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, of the General Code be and the same are hereby repealed. This act shall take effect on and after sixty days after its passage and approval.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed April 5th, 1910.

Approved April 11th, 1910.

JUDSON HARMON.

Governor.
41.

[House Bill No. 320.]

AN ACT

To provide for the purchase of additional land at Camp Perry, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Camp Perry
appropriation
\$16,000.00.

SECTION 1. That there be and is hereby appropriated out of any money in the state treasury to the credit of the general revenue fund, not otherwise appropriated, the sum of sixteen thousand dollars, for the purchase of additional land for the state rifle range at Camp Perry, Ohio, said lands being the west half of the northwest quarter of section number twenty-eight, Erie township, Ottawa county, Ohio, containing eighty acres more or less.

Adjutant general to be
agent of state.

SECTION 2. The adjutant general is authorized to purchase or procure by appropriation and cause to be deeded to the state of Ohio, by good and sufficient deed, said tract of land as mentioned in section 1 of this act, and upon the issue of proper vouchers the state auditor shall

issue warrants upon the treasury for such amounts as the adjutant general shall certify, not exceeding the amount above authorized.

SECTION 3. If, in the judgment of the adjutant general, he is unable to purchase this tract of land, or any part thereof, at a reasonable cost to the state, it is further provided that for the purpose of carrying out the provisions of this act, the adjutant general shall have the same power to appropriate such lands as has the board of public works, or any member thereof, to appropriate property for a public necessity, as now authorized by law.

Power to appropriate lands, conferred.

SECTION 4. That said land mentioned in section 1 of this act, when so purchased and deeded to the state of Ohio, shall become a part of the state park to be used for military purposes and subject to all the provisions and regulations of said park made and provided by an act passed May 1, 1908, creating a state park for military purposes to be known as Camp Perry.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed April 7th, 1910.

Approved April 11th, 1910.

JUDSON HARMON,
Governor.
42.

[House Bill No. 90.]

AN ACT

To amend section 7310 of the General Code, relating to the improvement of certain public roads.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7310 of the General Code, be amended so as to read as follows:

Sec. 7310. In a county having not less than two hundred and twenty-five miles of improved graveled free roads, including former toll-roads, where there is an unimproved county road or part thereof, not exceeding three and a half miles in length, connecting two improved graded public roads or an improved part of one such public road with another such improved road or part thereof, such unimproved county road or part thereof may be improved by grading, graveling, draining and bridging, or by any of such operations, by the commissioners of such county in the manner provided in this subdivision of this chapter.

Road Improvement, in counties having 225 miles of improved roads.

SECTION 2. That said section 7310 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed April 7th, 1910.

Approved April 11th, 1910.

JUDSON HARMON,
Governor.
43.

[House Bill No. 169.]

AN ACT

To amend section 10360 of the General Code, relating to exceptions in justices' of the peace, mayors or police court, and when to be presented.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 10360 of the General Code, relating to exceptions in justices' of the peace, mayors or police court and when to be presented, be amended so as to read as follows:

Exceptions,
when to be
presented.

Sec. 10360. The party objecting to the decision must except at the time it is made and shall have ten days from the date of overruling the motion for a new trial, if such motion be made, or from the date on which the decision, judgment or sentence of the justice, mayor or police judge is entered to reduce his exceptions to writing and present them to the said court.

SECTION 2. That said original section 10360 is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed April 7th, 1910.

Approved April 11th, 1910.

JUDSON HARMON,
Governor.
44.

[House Bill No. 114.]

AN ACT

To amend section 10983 of the General Code, relating to the lease of real estate by the guardian of a minor or of a lunatic, idiot or imbecile.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 10983 of the General Code, be amended to read as follows:

Sec. 10983. A guardian of the person and estate or of the estate only, of a minor, or of a lunatic, idiot or imbecile, may lease the real estate of his ward, or of such lunatic, idiot or imbecile, for petroleum oil or natural gas purposes, or either, or for the removal of gravel, stone or other mineral substances for such period of time not exceeding ten years, as may be authorized by the probate court appointing such guardian.

Lease of real estate, by guardian.

SECTION 2. That said original section 10983 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 7th, 1910.

Approved April 11th, 1910.

JUDSON HARMON,
Governor.
45.

[Senate Bill No. 186.]

AN ACT

To supplement section 6094 of the General Code, by enacting supplementary section 6094-1 providing for the distribution of moneys arising from the tax on the traffic in intoxicating liquors to city and county infirmaries in counties having a city with a city and county infirmary.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. Section 6094 of the General Code shall be supplemented as follows:

Sec. 6094-1. In any county having a city with a city infirmary and a county infirmary, the county commissioners may divide the above two-tenths part of such revenues as follows: the city infirmary fund shall have passed to its credit two-tenths of all money so paid in such city; the county infirmary fund shall have passed to its credit two-tenths of all money so paid by any municipal corporation or township in such county outside of such city maintaining a city infirmary; and the above five-tenths part of all the money so paid in by any township outside of any municipal corporation shall be paid into the treasury of such township to be distributed by the order of the trustees.

Distribution of liquor tax.

of such township to the general revenue fund and the poor relief fund in such proportions as the trustees thereof may deem proper.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Passed April 5th, 1910.

Approved April 13th, 1910.

JUDSON HARMON,
Governor.
 46.

[House Bill No. 96.]

AN ACT

To amend section 378 of the General Code, by requiring Courts to pay over certain fines, fees and costs to the State Dairy and Food Commissioner within thirty days after collection, and to supplement said section 378 by the enactment of a section to be known as section 378-1 of the General Code, providing for suits to collect the same where default in payment is made.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 378 of the General Code, be amended and supplemented by the enactment of section 378-1 so as to read as follows:

Payment of
 fine, fees and
 costs, to state
 dairy and food
 commissioner.

Sec. 378. All fines, fees and costs collected under prosecutions begun, or caused to be begun, by the state dairy and food commissioner, shall be paid by the court to the commissioner within thirty days after collection, unless error proceedings have been properly begun and prosecuted and in case the judgment of the justice of the peace is sustained the fine shall be paid within thirty days after such judgment of affirmance, and by said commissioner paid into the state treasury to the credit of the general revenue fund.

Commissioner
 to bring suit.

Sec. 378-1. If the court fails to so pay such fines, fees and costs, the state dairy and food commissioner shall bring suit in the name of the state, for the recovery thereof and interest thereon, and the court in rendering judgment therefor shall add a penalty of ten per cent. on the amount found to be due such general revenue fund.

SECTION 2. That said original section 378 be and the same is thereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Passed April 7th, 1910.

Approved April 13th, 1910.

JUDSON HARMON,
Governor.
 47.

[House Bill No. 37.]

AN ACT

To amend section 5782 of the General Code, relative to the branding of full cream cheese, and fixing a standard for the same.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5782 of the General Code, be amended so as to read as follows:

Sec. 5782. The dairy and food commissioner shall procure and issue to the cheese manufacturers of this state, upon proper application made on or before the first day of April of each year and under such regulations as to the custody and use thereof as he may prescribe, a uniform stencil brand bearing a suitable device or motto, and the words "Ohio state full cream cheese." Such brand shall be used upon the outside of each cheese, cheesecloth or band around it and upon the box or package containing it, and shall bear a separate number for each factory. Such brand shall not be used upon other than full milk cheese or packages containing it; provided, that no cheese shall be so branded unless it contains at least thirty per cent. of pure butter fat. Such commissioner shall keep a book in which shall be registered the name, location and number of each manufacturer using such brand, and the name or names of the person in each factory authorized to use it, and he shall receive one dollar for each registration according to the provisions of this section, such fee to be paid by the person applying for such registration.

Stencil brand;
application for.

Registration
fee.

SECTION 2. That said original section 5782 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 7th, 1910.

Approved April 13th, 1910.

JUDSON HARMON,

Governor.
48.

[Senate Bill No. 220.]

AN ACT

To amend section 335 of the General Code, adding to the powers of the First Assistant Attorney-General.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 335 of the General Code be amended so as to read as follows:

Sec. 335. During the absence or disability of the attorney-general, or when so directed by the attorney-general,

First assistant
attorney gen-
eral, powers
and duties.

including all the rights, privileges and powers conferred upon the attorney-general by sections thirteen thousand five hundred sixty and thirteen thousand five hundred sixty-one of the General Code, the first assistant attorney-general shall perform the duties of the attorney-general. Each assistant attorney-general and the chief clerk shall give a bond to the state in the sum of five thousand dollars, approved by the attorney-general, conditioned for the faithful discharge of the duties of his office. Such bond shall be deposited with the secretary of state and kept in his office.

SECTION 2. That said original section 335 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed March 31st, 1910.

This bill was presented to the governor April 1, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state April 15, 1910.

JOHN W. DEVANNEY,
Veto Clerk.
49.

[House Bill No. 118.]

AN ACT

To amend section 1930 of the General Code, relating to the bond of the steward of the Home of the Ohio Soldiers, Sailors, Marines, etc., at Madison, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1930 of the General Code, be amended to read as follows:

Sec. 1930. Before entering upon the discharge of the duties of his office, the steward shall give bond to the state in the sum of five thousand dollars with good and sufficient surety, approved by the governor, conditioned for the faithful discharge of his duties as steward of such institution. Such bond shall be deposited with the treasurer of state, and kept in his office.

Bond of
\$5,000.00.

SECTION 2. That said original section 1930 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed April 7th, 1910.

Approved April 14th, 1910.

JUDSON HARMON,

Governor.

50.

[House Bill No. 122.]

AN ACT

To amend section 794 of the General Code, relating to office room of library organizer.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 794 of the General Code, be amended so as to read as follows:

Sec. 794. The state board of library commissioners may appoint a library organizer, who shall have office room in or near the state library. The library organizer shall keep informed of the condition, scope and methods of the various public libraries of the state, visit them as occasion may require, furnish advice and information when requested as provided in the preceding section, and, as far as practicable, assist in promoting and establishing new public libraries. At the close of each fiscal year he shall make a report to the board of the general conditions in the state relative to public libraries.

Library organizer; appointment, office-room, etc.

SECTION 2. That said original section 794 of the General Code, be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed April 7th, 1910.

Approved April 14th, 1910.

JUDSON HARMON,

Governor.

51.

[Senate Bill No. 31.]

AN ACT

To amend section 9574 of the General Code, providing form of policies of Mutual Insurance Companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 9574 of the General Code, be amended so as to read as follows:

Form of policies of mutual insurance companies.

Stock plan provisions.

Sec. 9574. Every mutual company shall embody the word "mutual" in its title which must appear upon the first page of every policy and renewal receipt. Each stock company upon the face of every policy and renewal receipt shall express in some suitable manner, that such policy or receipt is a stock policy or receipt. Neither class of companies doing business in this state, shall issue a policy not appropriate to its class, except that any mutual company doing business in this state, having net assets not less than two hundred thousand dollars invested as provided in section ninety-five hundred and eighteen may issue policies either upon the mutual or stock plan, and may continue to do such kind of business so long as its assets continue so invested, and may expose itself to loss on any risk or hazard, either by one or more policies, to an amount not exceeding five per cent. thereof.

SECTION 2. That said original section 9574 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 11th, 1910.

Approved April 14th, 1910.

JUDSON HARMON,
Governor.
52.

[Senate Bill No. 35.]

AN ACT

To supplement section 12824 of the General Code, by the enactment of a section to be known as section 12824-1, relating to witnesses in bribery cases.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 12824 of the General Code, be and hereby is supplemented by a section to be known as section 12824-1, and to read as follows:

Bribery cases.

Sec. 12824-1. A person offending against the provisions of sections twelve thousand eight hundred twenty-three and twelve thousand eight hundred twenty-five of the General Code, is a competent witness against another person so offending, and on the recommendation of the prosecuting attorney and approval of the court, may be compelled to attend and testify in the same manner as any other person is in any court of record in any criminal proceeding prosecuted by the attorney general or any prosecuting attorney, for the violation of any of the provisions of said sections twelve thousand eight hundred twenty-three and twelve thousand eight hundred twenty-five of the General Code, but no individual shall be prose-

cuted or subjected to any penalty for or on account of any transaction, matter or thing concerning which he may testify or produce evidence, documentary or otherwise before any such court or grand jury. Immunity bath.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Passed April 11th, 1910.

Approved April 14th, 1910.

JUDSON HARMON,

Governor.

53.

[Senate Bill No. 228.]

AN ACT

To supplement section 3645 of the General Code, by the enactment of a section to be known as section 3645-1, and to authorize the construction of subways and underground conduits for the purpose of transmitting United States mail matter under or beneath the streets, avenues, alleys, lanes and public places of municipal corporations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3645 of the General Code, be supplemented by the addition of section 3645-1 as follows:

Sec. 3645-1. To use, or by ordinance grant to any person, company or corporation, for periods not exceeding twenty-five years, the use of its streets, avenues, alleys, lanes and public places for the purpose of constructing, laying, maintaining and operating subways and underground conduits, together with manholes and all other necessary appliances for transmitting United States mail matter under or beneath such streets, avenues, alleys, lanes and public places.

U. S. mail
subways.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed April 11th, 1910.

Approved April 14th, 1910.

JUDSON HARMON,

Governor.

54.

[Senate Bill No. 17.]

AN ACT

To prohibit suppressing facts as to the financial condition of any insurance company, fraternal beneficiary association or assessment association.

Be it enacted by the General Assembly of the State of Ohio:

Section 13141-1

Suppressing facts.

SECTION 1. Whoever being an officer, director, trustee, agent or employe of any insurance company, fraternal beneficiary association or assessment association organized under the laws of this state shall wilfully and with intent to deceive the superintendent of insurance or any person interested therein respecting the true financial condition of such company, fraternal beneficiary association or assessment association mutilate, destroy, or falsify any of its books, records, proofs, letters, papers, or documents, or suppress, withhold or conceal any of the same from any person authorized by law to investigate the true financial condition of such company, fraternal beneficiary association or assessment association shall be imprisoned in the penitentiary not more than three years nor less than one year.

Penalty.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed April 12th, 1910.

Approved April 14th, 1910.

JUDSON HARMON,

Governor.

55.

The sectional numbers on the margin hereof are designated as provided by law.
U. G. DENMAN,
Atty. Gen.

[Senate Bill No. 18.]

AN ACT

Relating to financial transactions of insurance companies with banks and trust companies of this state.

Be it enacted by the General Assembly of the State of Ohio:

Section 627-1

Authority and power of superintendent of insurance.

SECTION 1. The superintendent of insurance is authorized and empowered to make written requisitions upon the officers or directors of any national bank, state bank, state bank and trust company or private bank, of this state, for such information as he may require relating to the financial transactions of any of such institutions with any insurance company, fraternal beneficiary association or assessment association authorized to do business in this state.

Section 627-2

Duty of bank officers.

SECTION 2. It shall be the duty of any officer or director of any such bank or trust company upon the receipt of such requisition, or within five days thereafter, to furnish to such superintendent in writing all the information

called for in such requisition and in such manner and form as therein directed.

Section 627-3

The sectional numbers on the margin hereof are designated as provided by law.
U. G. DENMAN,
Atty. Gen.

SECTION 3. Any officer or director of any such bank or trust company who fails, neglects or refuses to comply with the provisions of section two of this act shall be guilty of a misdemeanor and on conviction shall be fined not more than \$500.00 nor less than \$25.00. Penalty.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 12th, 1910.

Approved May 14th, 1910.

JUDSON HARMON,
Governor.
56.

[Senate Bill No. 82.]

AN ACT

To repeal section 9601 of the General Code, requiring the publication of renewal certificates issued to Mutual Protective Associations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 9601 of the General Code be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 12th, 1910.

Approved April 14th 1910.

JUDSON HARMON,
Governor.
57.

[House Bill No. 219.]

AN ACT

To amend section 7740 of the General Code, relating to examinations to enter high schools.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7740 of the General Code, be amended to read as follows:

Sec. 7740. Each board of county school examiners shall hold examinations of pupils of township and special districts, and of village districts in the subjects of orthography, reading, writing, arithmetic, English grammar and composition, geography, history of the United States, in-

Examination
to enter high
schools.

cluding civil government, and physiology. Two such examinations must be held annually, on the third Saturday of April, and one on the third Saturday of May, at such place or places as such board designates.

SECTION 2. That section 7740 of the General Code, is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 13th, 1910.

Approved April 15th, 1910.

JUDSON HARMON,
Governor.
58.

[House Bill No. 474.]

AN ACT

To amend Sections 4953, 4954 and 4955 of the General Code, relative to the duties of state and district committees in primary elections, and to provide for alternates.

Be it enacted by the General Assembly of the State of Ohio:

Apportionment
of delegates
and alternates,
by state com-
mittees.

SECTION 1. That sections 4953, 4954 and 4955 of the General Code be amended to read as follows:

Sec. 4953. State committees shall by resolution determine the representation in all conventions held to nominate candidates for state offices, and shall apportion the delegates and alternates throughout the state in proportion to the party vote for governor cast in the several counties, at the last preceding general election. Delegates and alternates to a state convention shall be apportioned to each county on the basis of one delegate and one alternate for each five hundred such votes and fraction of two hundred and fifty or more so cast. Not less than forty days before the day fixed for holding the primary, such state committee shall transmit a copy of its resolution of apportionment to the central committees of the proper party and to the board of elections of each county in the state.

Apportion-
ment, by dis-
trict commit-
tee.

District committee shall by resolution determine the ratio of representation in all district conventions held to nominate district candidates. Said ratio shall be based on the party vote for governor cast at the last preceding general election, in the several counties or in the several election districts provided in section 4955, as the case may be. Not less than forty days before the day fixed for holding the primary such district committee shall transmit a copy of its resolution of apportionment to the central committees of the proper party and to the board of elections of each county in the district.

Apportion-
ment, by
county central
committee.

Sec. 4954. When delegates and alternates are to be selected by a county convention, the county central com-

mittee, at least thirty days before the primary, by resolution passed by a majority vote, shall fix and apportion the representation thereto throughout the county as provided in section 4955. Such county committee shall provide that delegates and alternates to county conventions shall be apportioned to and elected by election districts in such county, and in case delegates or alternates to state or district conventions are to be chosen by direct vote, that they be apportioned to such election districts and elected in the same manner.

Sec. 4955. Such election districts shall consist of a precinct, township or ward, if such precinct, township or ward has a sufficient number of votes or major fraction thereof, to entitle it to a representative. If the political party represented by such committee did not poll a sufficient number of votes or major fraction thereof, in any precinct, township or ward at the next preceding general election to entitle it to one or more delegates under such apportionment, then such committees shall annex such precinct, township or ward to such adjacent precincts, townships or wards, the combined votes of which when so annexed under the basis of representation fixed by such committee will entitle the district so formed to elect one or more delegates to such convention.

Election district provisions.

SECTION 2. That said original sections 4953, 4954 and 4955 be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 13th 1910.

Approved April 15th, 1910.

JUDSON HARMON,

Governor.

59.

[Senate Bill No. 36.]

AN ACT

To amend section 1716 of the General Code, relating to the jurisdiction of justices of the peace.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1716 of the General Code, be amended so as to read as follows:

Sec. 1716. If a part of a township is attached to another township, justices of the peace residing within the limits of that part so attached shall execute the duties of their office in the township to which such part is attached in the same manner as if elected for such township, except when such territory so attached shall become a part of any township containing and co-extensive with a city

Jurisdiction of justices of the peace, in certain cases.

or village in which case such justices of the peace so living in such attached territory shall not execute the duties of their office in the township to which said annexed territory is so attached.

SECTION 2. That said original section 1716 is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed April 11th, 1910.

Approved April 18th, 1910.

JUDSON HARMON,
Governor.
60.

[House Bill No. 129.]

AN ACT.

To amend section 2503 of the General Code, relative to annual appropriation for Memorial Day.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2503 of the General Code, be amended so as to read as follows:

Memorial day
appropriations.

Sec. 2503. The commissioners of a county, annually upon request of the officials of the grand army of the republic and of each camp of Spanish war veterans, may appropriate to each post of the grand army of the republic and to each camp of Spanish war veterans, in the county, a sum of money not to exceed twenty-five dollars to aid in defraying expenses of memorial day.

SECTION 2. That said original section 2503 of the General Code, is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed April 14th, 1910.

Approved April 18th, 1910.

JUDSON HARMON,
Governor.
61.

[House Bill No. 208.]

AN ACT.

To amend section 5653 of the General Code, to provide for payment of sheep claims.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5653 of the General Code, be amended to read as follows:

Sec. 5653. After paying all such sheep claims, at the June session of the county commissioners, if there remain more than one thousand dollars of such fund, the excess, at such June session, shall be transferred and disposed of as follows: in a county in which there is a society for the prevention of cruelty to children and animals, incorporated and organized as provided by law, which has one or more agents appointed in pursuance of law, all or such portion of such excess as the county commissioners deem necessary for the uses and purposes of such society, by order of the commissioners and upon the warrant of the county auditor, shall be paid to the treasurer of such society, and any surplus not so transferred may be transferred to the school fund, the poor fund, or the road and bridge fund at the direction of the county commissioners.

Distribution of
surplus sheep
fund.

SECTION 2. That section 5653 of the General Code, is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 7th, 1910.

Approved April 19th, 1910.

JUDSON HARMON,

Governor.
62.

[Senate Bill No. 14.]

AN ACT.

To supplement section 11418 of the General Code, by the enactment of section 11418-1, relating to the drawing of juries in certain cases.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 11418 of the General Code be supplemented by the enactment of a supplemental section 11418-1 as follows:

Sec. 11418-1. In any civil case pending in the court of common pleas of any county, wherein the parties thereto may be entitled to a trial by jury, if it shall appear that the board of county commissioners or the board of infirmity directors of such county, in which such action is

Jury drawing,
when commis-
sioners or in-
firmity direc-
tors are
parties.

Compensation
of jurors.

pending, is a party thereto, the court, or a judge thereof, upon the application of either party, shall certify such fact to the clerk of such court of common pleas in any adjoining county, together with the time fixed for the trial of said case, and the number of jurors to be drawn; and shall order such clerk to draw from the jury wheel the number of names of persons so certified to serve as jurors in the trial of such case in such other county. The venire shall be issued to the sheriff of the county from which such jury is drawn, and shall be served, and the same shall be done in like manner, and subject to the same proceedings, as are provided by law for the summoning of other petit jurors. And such persons so drawn and summoned shall, in obedience to such summons, appear in the court of the county in which such action may be pending to serve as jurors therein, the same as in any other case. For their services as such jurors there shall be allowed the same per diem and mileage as in other cases, and all costs, including the costs incident to the drawing, issuing and service of the venire shall be paid from the county treasury in which such action is pending upon certificate by the clerk of the court of such county as to the service and mileage of said jurors, and to the officers performing such services, upon the certificate of such officers. This section shall apply to pending actions.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 12th, 1910.

Approved April 19th, 1910.

JUDSON HARMON,

Governor.
63.

[Senate Bill No. 15.]

AN ACT.

Relating to preferred claims against insolvent domestic fire insurance companies.

Be it enacted by the General Assembly of the State of Ohio:

Section 634-8

Unpaid losses
are preferred
claims.

SECTION 1. When a domestic fire insurance company, whether stock or mutual becomes insolvent, or is unable to pay in full its liabilities, unpaid losses arising from the contingencies insured against by the contracts shall, in the distribution of its assets, whether liquidation is affected by a receiver or otherwise, be deemed and treated as preferred claims over claims for return premiums on uncompleted contracts. But nothing in this act shall impair the obligations imposed by law upon the officers of a mutual

company to make assessments to pay all legal obligations of the company.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 12th, 1910.

Approved April 19th, 1910.

JUDSON HARMON,

Governor.

64.

[House Bill No. 28.]

AN ACT.

Empowering the Governor to remove from and declare vacant the office of a sheriff who shall permit a person or persons to be taken from his custody by a mob.

Be it enacted by the General Assembly of the State of Ohio:

Section 2855-1

SECTION 1. Whenever five qualified electors of a county make complaint in writing, charging that any sheriff has allowed or permitted any person in his custody to be taken therefrom, and charging that such sheriff has failed to do his duty in protecting such person, and that such person has been lynched or suffered bodily harm, and file such complaint with the governor, the governor shall within ten days cause notice to be served upon such sheriff, setting a day for hearing of such complaint, which shall be served not less than ten days before the day set for hearing.

Trial of sheriff
for permitting
a lynching.

Section 2855-2

SECTION 2. If after such hearing, the governor finds such sheriff guilty of negligence or delinquency in protecting such person in his hands and control as sheriff, he shall remove such sheriff from office and declare the office of such sheriff vacant and shall publish a proclamation accordingly. The coroner of the county shall thereupon immediately succeed to and perform the duties of sheriff until the successor of such sheriff shall have been duly elected or appointed.

Removal of
sheriff.

The governor may subpoena witnesses for the hearing, and the sheriff of the county in which the witness lives, or the sheriff of the county where the hearing is to occur, shall serve subpoenas. The witness fees and other fees shall be the same as in state cases. The expense of such hearing shall be paid out of the general revenue fund of the state, upon the warrant of the auditor of the state on the approval of the governor.

Witnesses.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 13th, 1910.

Approved April 20th, 1910.

JUDSON HARMON,

Governor.

65.

The sectional
numbers on the
margin hereof
are designated
as provided by
law.

U. G. DENMAN,
Atty. Gen.

The sectional
numbers on the
margin hereof
are designated
as provided by
law.

U. G. DENMAN,
Atty. Gen.

[House Bill No. 41.]

AN ACT.

To amend section 1547 of the General Code, relating to the appointment of additional court stenographers.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1547 of the General Code, be amended to read as follows:

Additional
stenographers,
appointment
and compensa-
tion.

Sec. 1547. When the services of one or more additional stenographers are necessary in a county, the court may appoint assistant stenographers, in no case to exceed ten, who shall take a like oath, serve for such time as their services may be required by the court, not exceeding three years under one appointment, and may be paid at the same rate and in the same manner as the official stenographer. Such stenographers when so appointed shall be ex officio stenographers of the insolvency and superior courts, if any, in such county, but no such stenographer or assistant stenographer shall be a relative or in the employ of the court or prosecuting attorney.

SECTION 2. That said original section 1547 be and the same is hereby repealed.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed April 7th, 1910.

This bill was presented to the governor April 8, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state April 22, 1910.

JOHN W. DEVANNEY,

Veto Clerk.

66.

[House Bill No. 100.]

AN ACT

To amend section 12746 of the General Code, relative to the sale and labeling of skimmed cheese, and fixing a standard for the same.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 12746 of the General Code be amended so as to read as follows:

Sec. 12746. Whoever sells, exposes for sale or has in his possession with intent to sell, cheese made exclusively of milk or cream with salt, rennet, and with or without harmless coloring matter and containing less than twenty-

one per cent. of pure butter fat, without having the words "skimmed cheese" stamped, labeled or marked in printed letters of plain, uncondensed Gothic type not less than one inch in length so that the words can not easily be defaced, upon the side of each cheese, cheese cloth or band around it, and upon the top and side of each tub, firkin, box or package containing it, shall be fined not less than fifty dollars nor more than one hundred dollars or imprisoned in the county jail not less than ten days nor more than thirty days, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than two hundred dollars or imprisoned in the county jail not less than twenty days nor more than sixty days, or both.

Label of
"skimmed
cheese."

Penalty.

SECTION 2. That section 12746 of the General Code be supplemented by an additional section to be known as section 12746-1 of the General Code and to read as follows:

Sec. 12746-1. Whoever sells, exposes for sale or has in his possession with intent to sell, cheese made exclusively of milk or cream with salt, rennet, and with or without harmless coloring matter, containing 21 per cent. or more and less than 30 per cent. of pure butter fat without having the words "Ohio standard cheese" stamped, labeled or marked in printed letters of plain uncondensed Gothic type not less than one inch in length so that the words cannot easily be defaced, upon the side of each cheese, cheese cloth or band around it, and upon the top and side of each tub, firkin, box or package containing it, shall be fined not less than fifty dollars nor more than one hundred dollars.

Label of "Ohio
standard
cheese."

Penalty.

SECTION 3. That said original section 12746 of the General Code be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 7th, 1910.

This bill was presented to the governor April 12, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state April 25, 1910.

JOHN W. DEVANNEY,
Veto Clerk.
67.

[House Bill No. 117.]

AN ACT

To amend section 1921 of the General Code, relating to the admission into the Home of the Ohio Soldiers, Sailors, Marines, etc., at Madison, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1921 of the General Code, be amended so as to read as follows:

Admission to
home of the
Ohio soldiers,
sailors, ma-
rines, etc.

Sec. 1921. Subject to the provision that preference be given to those who served in Ohio military organizations, the following persons may be admitted to the Madison homes: All honorably discharged soldiers, sailors and marines, who served the United States government in the Civil war, from eighteen hundred sixty-one to eighteen hundred sixty-five, who are citizens of Ohio, and who are not able to support themselves; their wives, to whom such soldiers, sailors, and marines were married at any time prior to June first, eighteen hundred ninety; their widows, to whom such soldiers, sailors and marines were married prior to June first, eighteen hundred ninety; the dependent mothers of such soldiers, sailors and marines; army nurses of the Civil war, residents of Ohio; in case of death of such soldier, sailor or marine, his surviving wife may live in and be supported by the home.

SECTION 2. That said original section 1921 be and the same is hereby repealed.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed April 7th, 1910.

This bill was presented to the governor April 12, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state April 25, 1910.

JOHN W. DEVANNEY,

Veto Clerk.

68.

[House Bill No. 59.]

AN ACT

To amend sections 3370, 3371 and 5649 of the General Code, pertaining to road districts in townships and relating to the appointment of road superintendents for said road districts, and the collection and distribution of road tax for said districts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3370, 3371 and 5649 of the General Code, be amended to read as follows:

Sec. 3370. The trustees of each township shall employ and hire for each road district a suitable person, not one of their own number, who shall be a resident of the district, who shall be known as road superintendent. Before entering upon the duties of his office, each person so appointed shall take an oath to faithfully discharge the duties thereof, and shall give a bond to the state in a sum not less than five hundred dollars, which bond shall be approved by the township trustees and filed with the township clerk.

Road superintendent; appointment, bond, oath, etc.

Sec. 3371. Each road superintendent's employment shall be subject to the will of the township trustees, and he may be removed or dismissed by the trustees or a majority thereof at any time. Under the direction of the trustees, the road superintendent, when properly qualified, shall have full control of all roads within his district assigned by the township trustees, and shall keep them in good repair and condition for all kinds of public travel, and the trustees shall furnish him with necessary implements and materials for the proper and economical care of the roads.

Duties of road superintendent.

Sec. 5649. Any person charged with a road tax may discharge the same by labor on the public highways within the proper time, at the rate of one dollar and fifty cents per day, and a ratable allowance per day for any team and implements furnished by any person, under the direction of the superintendent of the proper district, who shall give to such person a certificate specifying the amount of tax so paid, and the district and township wherein such labor was performed, which certificate shall in no case be given for any greater sum than the tax charged against such person; and the county treasurer shall receive all such certificates as money in the discharge of said road tax; provided, that, when the commissioners of any county so direct, the superintendent shall write on the margin of his lists, opposite to the amount charged against all such as may pay the same by money or labor, the word "Paid," and shall return his list on or before the fifth day of September in the year in which levied, to the township clerk, who shall write on the margin of the list sent him by the auditor, opposite to the amount charged against each person who may have paid the same in labor or money,

Payment of road tax, by labor.

Disposition of
road taxes, by
county treasurer.

as shown by the return of the superintendent, the word "paid," and shall forthwith forward the same to the county auditor, who shall charge all such as may remain unpaid, as shown by the township clerk, upon the duplicate of the proper county, and the same shall be collected as other moneys are collected, in the December installment, by the county treasurer. When such road tax is paid in labor, such labor shall be performed before the first day of September, in the year in which levied. All road taxes collected by the county treasurer shall be paid over to the treasurer of the township or municipal corporation from which the same are collected, and shall be expended on the public roads, and in building and repairing bridges, in the township and municipal corporation from which the taxes were collected, under the direction of the trustees of the proper township, or council of such municipal corporation; and all funds heretofore levied for road purposes, and not expended, shall be expended by the trustees of the township or council of the municipal corporation from which the same were collected, as other taxes collected under the provisions of this title.

SECTION 2. That original sections 3370, 3371 and 5649 of the General Code, be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 7th, 1910.

This bill was presented to the governor April 12th, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state April 25, 1910.

JOHN W. DEVANNEY,
Veto Clerk.
69.

[Senate Bill No. 16.]

AN ACT

Providing a method of procedure against and liquidation of delinquent insurance corporations.

Be it enacted by the General Assembly of the State of Ohio:

Section 634-1

SECTION 1. This act shall apply to all domestic corporations, associations, societies and orders to which any

insurance law of this state is applicable; the words "corporation" or "corporations" herein shall also include all such associations, societies or orders.

Section 634-2

SECTION 2. Whenever any such corporation (a) is insolvent; or (b) has refused to submit its books, papers, accounts or affairs to the reasonable inspection of the superintendent of insurance of this state, or his deputy or examiner; or (c) has neglected or refused to observe an order of the superintendent to make good within the time prescribed by law any deficiency, whenever its capital, if it be a stock corporation, or its reserve, if it be a mutual corporation, shall have become impaired to the extent of twenty per cent; or (d) has, by contract of reinsurance or otherwise, transferred or attempted to transfer substantially its entire property or business, or entered into any transaction the effect of which is to merge substantially its entire property or business in the property or business of any other corporation, association, society or order, without having first obtained the written approval of the superintendent; or (e) is found, by the superintendent of insurance, to be in such condition that its further transaction of business will be hazardous to its policyholders, or to its creditors, or to the public; (f) has willfully violated its charter or any law of the state; or (g) whenever any officer thereof has refused to be examined under oath by the superintendent of insurance touching its affairs,—the superintendent may, the attorney general representing him, apply to the supreme court or any judge thereof or to the circuit court of Franklin county or to the circuit court in the judicial circuit in which the principal office of such corporation is located for an order directing such corporation to show cause why the superintendent should not take possession of its property and conduct its business, and for such other relief as the nature of the case and the interests of its policyholders, creditors, stockholders or the public may require.

Superintendent
to take charge
of property, in
certain cases.

Attorney gen-
eral to repre-
sent superin-
tendent.

Section 634-3

SECTION 3. On such application or at any time thereafter, such court may, in its discretion, issue an injunction restraining such corporation from the transaction of its business or disposition of its property until the further order of the court. On the return of such order to show cause, the court shall either deny the application or direct the superintendent forthwith to take possession of the property and conduct the business of such corporation, and retain such possession and conduct such business until, on the application either of the superintendent, the attorney general representing him, or of such corporation, it shall, after a like hearing, appear to the court that the ground for such order directing the superintendent to take possession has been removed and that the corporation can properly resume possession of its property and the conduct of its business, and such corporation shall have the

Injunction.

- Appeal.** right to prosecute appeal or error from such order as provided in other cases.
- Section 634-4** **Order of liquidation.** SECTION 4. If, on a like application and order to show cause, and after a full hearing, the court shall order the liquidation of the business of such corporation, such liquidation shall be made by and under the direction of the superintendent, who may deal with the property and business of such corporation in his own name as superintendent or in the name of the corporation, as the court may direct, and shall be vested by operation of law with title to all of the property, contracts and rights of action of such corporation as of the date of the order so directing him to liquidate. The filing or recording of such order in any record office of the state shall impart the same notice that a deed, bill of sale or other evidence of title duly filed or recorded by such corporation would have imparted.
- Section 634-5** **Special deputy, clerks, etc.** SECTION 5. For the purposes of this act, the superintendent shall have power to appoint, under his hand and official seal when necessary, a special deputy superintendent of insurance, as his agent, and to employ such clerks as may by him be deemed necessary, and give each of such persons such powers to assist him as he may consider wise. The compensation of such special deputy superintendent, and clerks, and all expenses of taking possession of and conducting the business or of liquidating any such corporation shall be fixed by the superintendent, subject to the approval of the court, and shall, on certificate of the superintendent, be paid out of the funds or assets of such corporation. The attorney general shall act as counsel for the superintendent under this act and neither shall receive any compensation therefor in addition to their regular salary as fixed by law. Provided, however, that the attorney general may, whenever it shall become necessary in the course of his duties hereunder, employ special counsel to aid him, and the compensation of such special counsel shall be fixed by the attorney general, subject to the approval of the court and shall, on certificate of the superintendent of insurance, be paid out of the funds or assets of such corporation.
- Section 634-6** **Rules and regulations.** SECTION 6. For the purposes of this act, the superintendent shall have power, subject to the approval of the court, to make and prescribe such rules and regulations as to him shall seem proper, provided however that summons as in other cases shall first be served upon such corporation.
- Section 634-7** **Special counsel.** SECTION 7. The superintendent shall transmit to the legislature, in his annual report, the names of the corporations so taken possession of, whether the same have resumed business or have been liquidated, and such other facts as shall acquaint the policyholders, creditors, stockholders and the public with his proceedings under this section; and, to that end, the special deputy superintendent in charge of any such corporation shall file annually with the superin-

tendent a report of the affairs of such corporation similar to that required by law to be filed by such corporation.

Report of
special dep-
uty.

The sectional
numbers on the
margin hereof
are designated
as provided by
law.
J. G. DENMAN,
Atty. Gen.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 12th, 1910.

This bill was presented to the governor April 12, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state April 20, 1910.

JOHN W. DEVANNY,
Veto Clerk.
70.

[Senate Bill No. 20.]

AN ACT

Relating to fire insurance companies and agents thereof doing business in the state of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Section 9589-1

SECTION 1. That no fire insurance company organized under the laws of, or doing business in the state of Ohio, or any officer, agent, solicitor, or representative thereof, shall pay, allow or give, or offer to pay, allow or give, directly or indirectly, as inducements to fire insurance, nor shall any person knowingly receive, as such inducement to such insurance, any rebate of premiums payable on the policy, or any special favor or advantage in any benefit or benefits to accrue thereon, or any paid employment or contract for services of any kind, or any valuable consideration or inducement whatever, not specified in the policy contract of insurance, or give, sell or purchase, or offer to give, sell or purchase, as inducements to insurance or in connection therewith, any stock, bonds or other securities of such insurance company or other company.

Inducements,
rebates, etc.,
forbidden.

Section 9589-2

SECTION 2. Every corporation which shall violate any of the provisions of this act shall be fined in any sum not less than one hundred dollars nor exceeding five hundred dollars, to be recovered by action in the name of the state, and the amount so recovered shall be paid into the county treasury for the benefit of the common school fund.

Penalty.

Section 9589-3

SECTION 3. Every officer or agent of any such corporation, or any other person, who shall violate any of the provisions of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than one hundred dollars nor exceeding five hundred dollars, or imprisonment in the jail of the county not exceeding thirty days, or both, at the discretion of the court, and shall pay the costs of prosecution.

Penalty.

Section 9589-4

SECTION 4. It shall be the duty of the superintend-

Revoking of
license.

ent of insurance, upon being satisfied that any such agent has violated any of the provisions of this act, to revoke the license of the agent so offending, and no license shall be granted to such agent, for one year after such revocation.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

The sectional
numbers on the
margin hereof
are designated
as provided by
law.

U. G. DENMAN,
Atty. Gen.

Passed April 12th, 1910.

This bill was presented to the governor April 12, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state April 25, 1910.

JOHN W. DEVANNY,

Veto Clerk.

71.

[House Bill No. 78.]

AN ACT

To amend section 13376 of the General Code, relating to the defining and punishing of some offenses pertaining to the prevention of cruelty to animals.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That said section 13376 of the General Code, be and the same is hereby amended so as to read as follows:

Failure to
properly treat
animals.

Sec. 13376. Whoever overworks, overdrives, overloads, tortures, deprives of necessary sustenance, unnecessarily or cruelly beats, needlessly mutilates or kills, or impounds or confines an animal and fails to supply it during such confinement with a sufficient quantity of good, wholesome food and water, or carries or conveys it in a cruel or inhuman manner, or keeps cows or other animals in an enclosure without wholesome exercise and change of air, or feeds cows on food that produces impure or unwholesome milk, or abandons to die an old, maimed, sick, infirm or diseased animal or works it, or being a person or corporation engaged in transporting live stock, detains such stock in railroad cars or compartments longer than twenty-four hours after they are so placed without supplying them with necessary food, water and attention, or permits such stock to be so crowded as to overlie, crush, wound or kill each other, shall be fined not less than two dollars nor more than two hundred dollars for the first offense, and for each subsequent offense such person shall be fined not less than ten dollars nor more than two hundred dollars or imprisoned not more than sixty days or both. Nothing herein shall prevent the dehorning of cattle. All fines collected for violations of this section shall be paid to the society or association for the prevention of cruelty to animals, if

Penalty.

Disposition of
fines.

there be such in the county, township, village or city where such violation occurred.

SECTION 2. That said original section 13376 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 13th, 1910.

Approved April 23, 1910.

JUDSON HARMON,
Governor.
72.

[House Bill No. 167.]

AN ACT

To amend section 9484 of the General Code, relating to time of commencing action against fraternal associations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 9484 of the General Code be amended so as to read as follows:

Sec. 9484. No member of any association organized or operating under the provisions of this act, or his beneficiary, or his legal representatives, or any other person in any way interested in any of his benefits, or any person deriving legal rights from him, shall commence any action or other legal proceedings in any of the courts of this state, on account of his contract insurance, against the supreme or governing body of such association, until after he shall have exhausted all the reasonable remedies provided in the constitution and laws of such association by appeals and otherwise that can be determined within one year after the filing of proof of death or disability.

Time for commencing action against fraternal associations.

Such association after notice of the death of the insured must give to such beneficiary or his legal representatives or any other person in any way interested in any of the benefits or any person deriving legal rights in the same, such information and help as should enable him to know how to exhaust all of the remedies provided in the constitution and laws of such association by appeals and otherwise.

Duty of association, as to furnishing information.

SECTION 2. That said original section 9484 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 13th, 1910.

Approved April 23rd, 1910.

JUDSON HARMON,
Governor.
73.

[House Bill No. 202.]

AN ACT

Prohibiting the selling of insurance premium notes prior to the delivery of the policy, and providing penalty for violating same.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section thirteen thousand one hundred forty-nine of the General Code be supplemented by the enactment of a section to be known as section thirteen thousand one hundred forty-nine dash one as follows:

Sec. 13149-1. Whoever, having accepted a premium note, in payment of the purchase price of a policy of insurance, sells or assigns such note prior to the delivery and acceptance of such policy, shall be fined not more than five hundred dollars or imprisoned not more than six months, or both.

Penalty.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 13th. 1910.

Approved April 25, 1910.

JUDSON HARMON,
Governor.
74.

[House Bill No. 211.]

AN ACT

To authorize the payment of deposits in two names to the survivor.

Be it enacted by the General Assembly of the State of Ohio:

Section 9790-1

SECTION 1. When a deposit has been made, or shall hereafter be made, in any bank, savings bank, banking association or trust company transacting business in this state in the names of two persons, payable to either, or payable to either or the survivor, such deposit, or any part thereof, or any interest or dividend thereon, may be paid to either of said persons whether the other be living or not; and the receipt or acquittance of the person so paid shall be a valid and sufficient release and discharge to the bank for any payment so made.

Double deposits; payment to either party.

The sectional numbers on the margin hereof are designated as provided by law.
U. G. DENMAN,
Atty. Gen.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 13th, 1910.

Approved April 23rd, 1910.

JUDSON HARMON,
Governor.
75.

[House Bill No. 257.]

AN ACT

To supplement section 12537 of the General Code, by the enactment of an additional section known as section 12537-1, exempting island municipalities from the provisions of section 12536 as to the storage of explosives.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 12537 of the General Code, be supplemented as follows:

Sec. 12537-1. That the provisions of section twelve thousand five hundred and thirty-six of the General Code, which prohibits the storage of explosives within the limits of a municipal corporation, shall not apply to a municipal corporation when the limits of such municipal corporation are identical and co-extensive with the limits of an entire island, but in such case the storing of such explosives in such municipality shall be determined and regulated by the chief inspector of workshops and factories upon inspection of the district inspector of explosives.

Island, exception as to explosives.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed April 13th, 1910.

Approved April 23rd, 1910.

JUDSON HARMON,

Governor.
76.

[House Bill No. 116.]

AN ACT.

To amend sections 6257, 6258, 6271, 6273 and 12789 of the General Code, relating to maternity boarding houses and lying-in hospitals.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 6257, 6258, 6271, 6273 and 12789 of the General Code be amended so as to read as follows:

Sec. 6257. Whoever receives for care or treatment within a period of six months, more than one woman during pregnancy, or during or after delivery, except women related by blood or marriage; or has in his custody or control, at any one time, two or more infants under the age of two years, unattended by parents or guardians, for the purpose of providing them with care, food and lodging, except infants related to him by blood or marriage, shall be deemed to maintain a maternity boarding house or lying-

Definition.

Exceptions. in hospital. The provisions of this section shall not apply to any county or district children's home, charitable organization, society or institution having the care of children under its control duly incorporated under the laws of Ohio or under the care of a juvenile court.

Exception as to nurse. Sec. 6258. Nothing in this chapter shall prevent a nurse from practicing her profession under the direction of a physician in the home of a patient, or in a regular hospital other than a lying-in hospital.

Duty of licensee. Sec. 6271. The officers and authorized agents of the state board of health and the boards of health of the cities, villages or townships in which such licensed premises are located may inspect such house or hospital at any time and examine every part thereof, call for and examine the records which are required to be kept by the provisions of this chapter, and inquire into all matters concerning such house or hospital and the inmates thereof. The licensee shall give all reasonable information to such persons so inspecting and afford them every reasonable facility for viewing and inspecting the premises and seeing the inmates thereof. And when complaint is made or a reasonable belief exists that a maternity boarding house or lying-in hospital is being conducted without license, the board of health may cause such house to be inspected by its health officer or the state board of health may designate a person to visit and inspect such premises.

Written consent of judge. Sec. 6273. A parent or guardian or other person shall not give an infant under two years of age into the permanent care or control of another person except upon the written consent of the probate or juvenile court of the county in which such child is found or has a legal residence and no person shall receive under his care and control an infant under two years of age, the child of another, without such permission having been given. The provisions of this section shall not apply to any county or district children's home, charitable organization, society or institution for the care of children incorporated under the laws of Ohio, or to the officers or agents thereof.

Penalty. Sec. 12789. Whoever violates any provisions of law relating to the establishment, maintenance and inspection of maternity boarding houses and lying-in hospitals, shall be fined not more than three hundred dollars.

SECTION 2. That said original sections 6257, 6258, 6271, 6273 and 12789 be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 13th, 1910.
Approved April 23rd, 1910.

JUDSON HARMON,
Governor.
77.

[House Bill No. 192.]

AN ACT

To amend sections 1436 and 1438 of the General Code, relating to the issuing of licenses for fishing in Lake Erie and for tags to show the same.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1436 of the General Code, and section 1438 of the General Code, be amended so as to read as follows:

Sec. 1436. The fees for licenses in the Lake Erie fishing district for each fishing season defined in this chapter shall be as follows:

License fees,
specified.

For each row boat used in fishing with gill nets, two dollars and fifty cents.

For each sail boat used in fishing with gill nets, four dollars;

For each gasoline power boat used in fishing with gill nets, seven dollars and fifty cents;

For each steam boat used in fishing with gill nets, twelve dollars and fifty cents;

For each row boat used in fishing with trot lines, one dollar;

For each seine used in fishing, two dollars and fifty cents;

For each pound net used in fishing, two dollars;

For each net or other device used in fishing, other than a gill net, seine, pound net or hook and line, one dollar.

Sec. 1438. The commissioners of fish and game shall issue to each person licensed to catch fish in the Lake Erie fishing district one metal tag for each net or other device, other than a gill net, or hook and line, used by such licensee for catching fish in such district. No licensee shall use such net or other device, other than a gill net, or hook and line, without attaching such tags thereto in such manner as the commissioners prescribe. If such tags are not attached to such nets or other devices as herein required, it shall be prima facie evidence that they have not been procured. It shall be unlawful for any one to fish in any of the waters of the Lake Erie fishing district with any trammel net.

Metal tags,
how furnished.

SECTION 2. That said original sections be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force on and after June 1, 1911.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 13th, 1910.

Approved April 23rd, 1910.

JUDSON HARMON,

Governor.
78.

AN ACT

To supplement section 1165 by the enactment of sections 1165-1, 1165-2, 1165-3, 1165-4, 1165-5, 1165-6, 1165-7, 1165-8, 1165-9, 1165-10, 1165-11, 1165-12 and 1165-13 to authorize the establishment of county experiment farms.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1165 of the General Code be supplemented by the enactment of sections 1165-1, 1165-2, 1165-3, 1165-4, 1165-5, 1165-6, 1165-7, 1165-8, 1165-9, 1165-10, 1165-11, 1165-12 and 1165-13 to read as follows:

Sec. 1165-1. In order to demonstrate the practical application under local conditions of the results of the investigations of the Ohio agricultural experiment station, and for the purpose of increasing the effectiveness of the agriculture of the various counties of the state, the commissioners of any county in the state are hereby authorized and empowered to establish an experiment farm within such county as hereinafter provided for.

County
experiment
farms, how es-
tablished.

Sec. 1165-2. The experiment farms established under this act shall be used for the comparison of varieties and methods of culture of field crops, fruits and garden vegetables; for the exemplification of methods for controlling insect pests, weeds and plant diseases; for experiments in the feeding of domestic animals and in the control of animal diseases; for illustrations of the culture of forest trees and the management of farm woodlots; and for the demonstration of the effects of drainage, crop rotation, manures and fertilizers, or for such part of the above lines of work as it may be practicable to carry on.

Purposes of
the farm.

Sec. 1165-3. Upon the filing of a petition with the county auditor signed by not less than five per cent. of the electors, based upon the vote for governor at the last preceding election, residing within the county, the commissioners of such county shall submit to the qualified voters of such county a proposition to establish an experiment farm within such county, and to issue notes or bonds for the purchase and equipment of such farm, such proposition to be voted upon at the next general election following the receipt of the petition by the commissioners. Notice of the intention to submit such proposition shall be published by the county commissioners in two newspapers of opposite politics printed and of general circulation in said county, for at least four weeks prior to the election at which the proposition is to be voted upon, together with a statement of the maximum amount of money which it is proposed to expend in the purchase and equipment of such farm.

Vote, at gen-
eral election.

Sec. 1165-4. The county auditor shall file a written

request with the board of deputy supervisors of elections asking for the preparation of the necessary ballots, which ballots shall be separate and apart from all other ballots, and which ballots shall have printed thereon "Tax for experiment farm—yes"; "Tax for experiment farm—no." The result of such election shall be ascertained by the board of deputy supervisors of elections and the result thereof certified to the county auditor.

Form of
ballots.

Sec. 1165-5. If a majority of the electors voting on such proposition in the county, are in favor of establishing such experiment farm, then the commissioners of the county shall levy a tax on all the taxable property in such county as listed for taxation on the county duplicate, which levy shall not exceed one-fifth of one mill on the dollar of the taxable property of the county in any one year, nor shall the aggregate of all levies for such purpose exceed two mills on the dollar.

Tax levy.

Sec. 1165-6. To anticipate the collection of the tax authorized by this act and the use of the money to be raised thereby, the commissioners are hereby authorized and required to issue the notes or bonds of their county, such notes or bonds to bear interest at a rate not to exceed six per cent. per annum, and not to run to exceed ten years, and not to be sold for less than their par value, and the proceeds of the sale thereof shall be deposited in the county treasury, to be applied by the commissioners to the purchase and equipment of an experiment farm, containing eighty acres or more, as hereinafter provided for.

Issue of bonds,
by commis-
sioners.

Sec. 1165-7. When the funds provided for in this act are deposited in the county treasury, the commissioners shall notify the board of control of the Ohio agricultural experiment station of their action, on receipt of which notice it shall be the duty of said board of control to visit the county and assist in the selection of a farm to be used for the purpose specified in this act, provided that no farm shall be purchased except with the approval of the majority of said board of control and also of a majority of the board of county commissioners of the county.

Purchase of
farm, regu-
lated.

Sec. 1165-8. The equipment of an experiment farm shall consist of such buildings, drains, fences, implements, live stock, stock feed and teams as shall be deemed necessary by the board of control of the experiment station for the successful work of such farm, and the initial equipment shall be provided by the county in which the farm is established, together with a sufficient fund to pay the wages of the laborers required to conduct the work of such farm during the first season. The county commissioners shall appropriate for the payment of the wages of laborers employed in the management of such farms as may be established under this act, and for the purpose of supplies and materials necessary to the proper conduct of such

Equipment.

Maximum
appropriation.

farms such sums not exceeding two thousand dollars annually for any farm, as may be agreed upon between said commissioners and the board of control of the experiment station.

Appointment
of employees.

Sec. 1165-9. The management of all experiment farms established under authority of this act shall be vested in the director of the Ohio agricultural experiment station, who shall appoint all employees and plan and execute the work to be carried on, in such manner as in his judgment will most effectively serve the agricultural interests of the county in which such farm may be located, the director and all employees being governed by the general rules and regulations of the board of control of said experiment station.

Advisory
board.

Sec. 1165-10. Before entering upon any line of investigation or demonstration upon any of the experiment farms established under this act, the director of the experiment station shall submit a written plan of such contemplated work to an advisory board, consisting of the county agricultural society of the county in which such experiment farm may be located, or if there be no county agricultural society, then of the board of county commissioners of such county, and if such plan is not approved by such advisory board, then the work shall not be undertaken.

Sec. 1165-11. The county commissioners of any county may assign to the board of control of the experiment station such portion of any farm now owned by the county as may be mutually agreed upon between the commissioners and the board of control, the land thus assigned to be occupied and used by the experiment station for the purpose specified in this act and under the management of the director of the station.

Sale of surplus
products.

Sec. 1165-12. The produce of each of such experiment farms as may be established under this act, over and above that required for the support of the teams and live stock kept on the farm, shall be sold and the proceeds applied to the payment of the labor and to the purchase of the supplies and materials required for the proper management of the farm as contemplated by this act, and for the maintenance of its equipment. Any surplus beyond these requirements shall be covered into the county treasury and placed to the credit of the general fund of the county, except in the case of the use of farms already belonging to the county, in which case the proceeds shall be placed to the credit of such fund as the county commissioners may designate.

Sale of abandoned
experiment station.

Sec. 1165-13. In case the experiment station shall cease to use for the purposes herein specified any farm established under this act, such farm and its equipment shall be sold at public auction to the highest bidder after

notice of such proposed sale shall have been published for four consecutive weeks in two newspapers of opposite politics, once a week, published in and having the largest circulation in the county within which the farm is located, and the proceeds of such sale shall be covered into the county treasury, the sums thus covered to be placed to the credit of the school funds of the county.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Passed April 13th, 1910.

Approved April 23rd, 1910.

JUDSON HARMON,
Governor.
 79.

[House Bill No. 235.]

AN ACT

To amend section 6628 of the General Code, relating to hearing of preliminary matters on appeal.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6628 of the General Code, be amended to read as follows:

Sec. 6628. The probate judge shall file the transcript and the original papers, and docket the case, and the appellant shall be plaintiff therein, and the township trustees and petitioners defendants, and the case shall be so styled. At the time specified in the notice, the probate judge shall hear and determine all preliminary questions pertaining to the case. If he finds that the appeal has not been perfected according to this chapter, he shall dismiss the appeal at the cost of the appellant, and certify such dismissal to the trustees of the township, who shall thereupon proceed as if no appeal has been taken. The judge may order and allow the correction of any technical defect, error, or omission in making such appeal.

Hearing.

Dismissal of
 appeal.

SECTION 2. That said section 6628 is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Passed April 13th, 1910.

Approved April 23rd, 1910.

JUDSON HARMON,
Governor.
 80.

[House Bill No. 86.]

AN ACT

To amend Section 8565 of the General Code, in relation to renewal of chattel mortgages by refiling.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 8565 of the General Code, be amended so as to read as follows:

Refiling chattel mortgages.

Sec. 8565. Every mortgage so filed shall be void, as against the creditors of the person making it, or against subsequent purchasers or mortgagees in good faith, after the expiration of three years from the filing thereof, unless, within thirty days next preceding the expiration of such term of three years, a true copy of such mortgage, or the original mortgage, together with a statement, verified as provided in section eighty-five hundred and sixty-four, together with a statement exhibiting the interest of the mortgagee in the property at the time last aforesaid, claimed by virtue of such mortgage, is refiled in the office of the county recorder as provided in section eighty-five hundred and sixty-one.

SECTION 2. That said section 8565 is hereby repealed.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed April 18th, 1910.

Approved April 23rd, 1910.

JUDSON HARMON,

Governor.

81.

[House Bill No. 154.]

AN ACT

To amend Section 12437 of the General Code, relating to burglary in an inhabited dwelling.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 12437 of the General Code, be amended to read as follows:

Sec. 12437. Whoever in the night season maliciously and forcibly breaks and enters an inhabited dwelling house with intent to commit a felony, or with intent to steal property of any value shall be imprisoned in the penitentiary during life; but upon recommendation of mercy by the jury shall be imprisoned in the penitentiary not less than five years nor more than thirty years. When the accused enters a plea of guilty, the court may hear evidence as to the circumstances of the offense, and, in its discretion, sentence the accused to be imprisoned in the penitentiary during life, or for a period of not more than thirty years, nor less than five years.

SECTION 2. That said section 12437 is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Passed April 18th, 1910.

Approved April 23rd, 1910.

JUDSON HARMON,
Governor.
 82.

[House Bill No. 149.]

AN ACT

To amend section 9613 of the General Code, relative to filing annual statement, fee for same and renewal of certificate of mutual companies for insuring against loss from death of domestic animals.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 9613 of the General Code, be amended to read as follows:

Sec. 9613. The president, or vice-president, and secretary of such company, annually on the first day of January, or within thirty days thereafter shall prepare, under oath, and deposit in the office of the superintendent of insurance, a statement of the condition of the company on the thirty-first day of December then next preceding, exhibiting such facts as are enumerated in section ninety-five hundred and ninety, applicable to such companies, and such other information as is necessary to reveal the financial condition and general management of the company, as the superintendent requires in a printed form, to be by him supplied for that purpose.

Annual
statement.

Upon filing its annual statement, the superintendent shall annually issue a renewal certificate to such company, if he finds the company has complied with the law. For filing each such annual statement and for each certificate and renewal certificate, every such company shall pay to the superintendent for the use of the state, five dollars to cover the cost of filing annual statement and fee for issuing such certificate.

Renewal
certificate.

Fee.

SECTION 2. That said original section 9613 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Passed April 18th, 1910.

Approved April 23rd, 1910.

JUDSON HARMON,
Governor.
 83.

AN ACT

To supplement section 3422 of the General Code by enacting sections 3422-1 and 3422-2, relative to the sale of township parks.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3422 of the General Code be supplemented by enacting sections 3422-1 and 3422-2, to read as follows:

Petition for
sale of park
lands.

Notice of
election.

Form of
ballots.

Affidavit of
park commis-
sioners.

Sec. 3422-1. Whenever in their opinion the interests of the township so require the board of park commissioners may submit the question of selling the whole or any part of any lands so held by them, and when any number of electors in a township including all municipal corporations therein equal to or exceeding one-tenth of the total vote cast in such township at the general election next preceding file a petition with the said board of park commissioners asking for a sale of the whole or any part of any lands so held by them, which real estate or buildings is specifically described therein, said board of park commissioners shall submit the question of such sale to the electors of such township including all municipal corporations therein at any general election, or at a special election called by said board for such purpose. The board of park commissioners shall give twenty days notice by posting in five public places in the township and by publication in one or more newspapers of general circulation therein that an election will be held on the date named in said notice to determine whether or not said lands shall be sold. The board of park commissioners shall file written notice with the proper authority having charge of the preparation of official ballots, that such election will be held, and there shall be written or printed on the ballot, "The question as to the sale of park lands", "Sale—Yes" and "Sale—No". The returns of such election shall be canvassed by the clerk of said township and the result forthwith certified to the board of park commissioners, and if a majority of the electors voting upon such question have voted "Sale—Yes", said board of park commissioners shall sell and convey said land for the best price obtainable therefor, and said park commissioners shall make and file with the township clerk an affidavit showing that the same was sold, to whom, stating the amount received, and that it was sold for the best price obtainable therefor.

Sec. 3422-2. Money arising from the sale of said land may be expended by said board of park commissioners for the purchase of other land for park purposes or may be applied to the payment of any outstanding bonds unpro-

vided for. Any money not so expended shall be deposited in the particular fund by which said property was acquired, or in the general fund of said township.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed April 21st, 1910

Approved April 25th, 1910.

JUDSON HARMON,

Governor.

84.

[House Bill No. 232.]

AN ACT

To amend Section 12918 of the General Code, relative to frauds by superintendents of public works.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 12918 of the General Code, be amended so as to read as follows:

Sec. 12918. Whoever, being an officer, or a person appointed or employed by an officer or by a board of officers, whose lawful duty it is to superintend the making, construction, erection, enlargement, repair or improvement of a public structure or part thereof, or any public improvement whatever, or make a plan or specification of materials or labor therefor, or an estimate of the cost thereof or the amount of labor done on or materials furnished therefor, knowingly makes an incomplete or fraudulent plan, specification or estimate or knowingly permits work to be done in a manner other than in accordance with the plans and specifications thereof, or with material different from that required thereby, or, being a contractor or his agent, knowingly permits materials to be used therein, or work to be done thereon, different from the plans and specifications and in violation of his contract, shall be imprisoned in the penitentiary not less than one year nor more than five years.

Fraud, in connection with public works.

Penalty.

SECTION 2. That said original section 12918 of the General Code, is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives

FRANCIS W. TREADWAY,
President of the Senate.

Passed April 21st, 1910.

Approved April 25th, 1910.

JUDSON HARMON,

Governor.

85.

AN ACT

To amend sections 12672 and 12673 of the General Code, relative to the sale of cocaine and other like substances.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 12672 and 12673 of the General Code, be amended so as to read as follows:

Sale of cocaine, regulated.

Sec. 12672. Whoever sells, barter, furnishes or gives away any quantity of cocaine, alpha or beta eucaine or alypin, or any of their salts or compounds, or any preparation or mixture containing any of the aforesaid drugs or their salts or compounds of any of the combinations, of the same, except upon the prescription of a physician, veterinary surgeon or dentist duly licensed under the laws of this state, which prescription shall contain the name of the physician, veterinary surgeon or dentist issuing it, the date of issue and the name of the person for whom it is issued; or fails to keep such prescription on file for at least two years, in such manner that it is accessible at all reasonable times to the inspection of the proper officer or officers of the law and the members of the state board of pharmacy and the secretary of the state board of pharmacy, or fills said prescription more than once, shall, be fined not less than fifty dollars, nor more than five hundred dollars, for the first offense, and for each subsequent offense shall be imprisoned not less than one year nor more than five years in the penitentiary. This section does not extend to sales at wholesale of any quantity of the above-mentioned drugs to duly registered pharmacists, physicians, dentists or veterinary surgeons.

Prescription, on file for two years.

Penalty.

Exceptions.

Sec. 12673. It shall be the duty of the Ohio board of pharmacy to enforce the provisions of section twelve thousand six hundred and seventy-two, and all fines collected under section twelve thousand six hundred and seventy-two shall be paid to the secretary of the Ohio board of pharmacy, and by him covered into the state treasury to be credited to the use of the Ohio board of pharmacy.

Disposition of fines.

SECTION 2. That said original sections 12672 and 12673 be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 21st, 1910.

Approved April 25th, 1910.

JUDSON HARMON,

Governor.

[House Bill No. 46.]

AN ACT

To amend section 12965 of the General Code, relative to smoking or using cigarettes by minors.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 12965 of the General Code be amended to read as follows:

Sec. 12965. Whoever sells, gives or furnishes to a person under eighteen years of age a cigarette, cigarette wrapper or substitute for either, or a cigar or tobacco, shall be fined not less than twenty-five dollars nor more than one hundred dollars or imprisoned not less than two days nor more than thirty days, or both, and for each subsequent offense, shall be fined not less than fifty dollars nor more than three hundred dollars and imprisoned not less than five days nor more than sixty days.

Age limit.

Penalty.

SECTION 2. That said original section 12965 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 21st, 1910.

Approved April 25th, 1910.

JUDSON HARMON,

Governor.

87.

[House Bill No. 144.]

AN ACT

To regulate the manner of construction of all caboose cars used by any common carrier, within this state.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 8956 of the General Code be supplemented by the enactment of sections 8956-1 and 8956-2 as follows:

Sec. 8956-1. It shall be unlawful, from and after the first day of September, 1910, for any common carrier operating a railroad, in whole or in part, within this state, or any manager or superintendent thereof, to require or permit the use, within this state upon such railroad, of any caboose car, or other car used for like purpose, which is not provided with a door in each end thereof and an outside platform across each end of such car; each platform shall not be less than twenty-four inches in width and shall be equipped with proper guard rails, and with grab irons and steps for the safety of persons getting on and

Construction
of caboose
cars.

Exception.

Extension of
time, by rail-
road commis-
sion.

Penalty.

off said car. Said steps shall be equipped with a suitable rod, board or other guard at each end and at the back thereof, properly designed to prevent slipping from such step. But nothing herein provided shall affect the right of any railroad to operate a caboose car now constructed or in use having the platforms each not less than twenty inches in width and equipped with the other appliances as herein provided. The railroad commission is hereby authorized to grant to any common carrier, upon full hearing and for good cause shown, a reasonable extension of time in which to comply with the provisions of this act; provided that in no case shall such extension or extensions in the aggregate exceed the period of one year from the time herein limited for compliance with this act.

Sec. 8956-2. Any person or common carrier violating any of the provisions of section 8956-1 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense.

GRANVILLE W. MOONEY

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed April 21st, 1910.

Approved April 25th, 1910.

JUDSON HARMON,

Governor.

88.

[Senate Bill No. 138.]

AN ACT

To amend section 3812 of the General Code, relating to assessments.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3812 of the General Code be amended so as to read as follows:

Special as-
sessments;
three methods
of computa-
tion.

Sec. 3812. Each municipal corporation shall have special power to levy and collect special assessments, to be exercised in the manner provided by law. The council of any municipal corporation may assess upon the abutting, adjacent and contiguous or other specially benefited lots or lands in the corporation, any part of the entire cost of an expense connected with the improvement of any street, alley, dock, wharf, pier, public road, or place by grading, draining, curbing, paving, repaving, repairing, constructing sidewalks, piers, wharves, docks, retaining walls, sewers, drains, watercourses, water mains or laying

of water pipe and any part of the cost of lighting, sprinkling, sweeping, cleaning or planting shade trees thereupon, and any part of the cost and expense connected with or made for changing the channel of, or narrowing, widening, dredging, deepening or improving any stream or water-course, and for constructing or improving any levee or levees, or boulevards thereon, or along or about the same, together with any retaining wall, or riprap protection, bulkheads, culverts, approaches, flood gates, or water ways or drains incidental thereto, which the council may declare conducive to the public health, convenience or welfare, by any of the following methods:

Improvement
of levees.

First. By a percentage of the tax value of the property assessed.

Second. In proportion to the benefits which may result from the improvement, or

Third. By the foot front of the property bounding and abutting upon the improvement.

SECTION 2. That said original section 3812 be and the same is hereby repealed.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed April 22nd, 1910.

Approved April 25th, 1910.

JUDSON HARMON,

Governor.

89.

[House Bill No. 542.]

AN ACT

To amend section 2436 of the General Code, granting authority to the county commissioners to issue bonds without a vote of the people for the purpose of rebuilding an infirmary or court house destroyed by fire or other casualty.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2436 of the General Code be amended so as to read as follows:

Sec. 2436. For the purpose of rebuilding an infirmary, or court house, destroyed by fire or other casualty, the commissioners of a county may appropriate money, levy tax, issue and sell the bonds of such county in anticipation thereof, in an amount not to exceed fifty thousand dollars, without first submitting to the voters of said county, the question of rebuilding such infirmary or court house, appropriating such money, levying such tax and issuing and selling such bonds. And hereafter the county commissioners in the construction of all court houses and

Rebuilding infirmary or court house, destroyed by fire.

Fire-proof
vaults.

offices for county officials shall provide fire proof vaults therein in which shall be kept all the valuable records and documents belonging to the county. The provisions of section twenty-four hundred and forty-four and fifty-six hundred and sixty of the General Code shall not apply to the making of any of the improvements mentioned in this section.

SECTION 2. That said original section 2436 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 13th, 1910.

This bill was presented to the governor April 14, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state April 28, 1910.

JOHN W. DEVANNY,
Veto Clerk.
90.

[House Bill No. 284.]

AN ACT

To provide for the appointment of a deputy city auditor.

Section 4276-1 *Be it enacted by the General Assembly of the State of Ohio:*
SECTION 1. The auditor of any city may, when authorized by council ordinance, appoint a deputy who, in the absence or disability of the auditor, shall perform the duties of the auditor.

Deputy audi-
tor in cities.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 13th, 1910.

The sectional
numbers on the
margin hereof
are designated
as provided by
law.
U. G. DENMAN,
Atty. Gen.

This bill was presented to the governor April 14th, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state April 28th, 1910.

JOHN W. DEVANNEY,
Veto Clerk.
91.

[Senate Bill No. 66.]

AN ACT

To amend section 35 of the General Code and to fix the time for the regular sessions and organization of the general assembly.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 35 of the General Code be amended so as to read as follows:

Sec. 35. The regular sessions of the general assembly shall commence on the first Monday of January following the election of its members. At ten o'clock, forenoon, of that day the lieutenant governor, or, in case of his absence or inability to act, the oldest senator-elect present, shall take the chair, call the senators-elect to order and appoint one of them clerk pro tempore. The chairman shall call the senatorial districts in their numerical order, and as they are called the persons claiming to be senators-elect therefrom shall present their certificates and take the oath of office.

Regular sessions.

Organization.

SECTION 2. That original section 35 of the General Code be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 22, 1910.

Approved April 26, 1910.

JUDSON HARMON,

Governor.

92.

[House Bill No. 247.]

AN ACT

To amend section 1611 of the General Code, relating to clerks of the court of insolvency.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1611 of the General Code be amended to read as follows:

Sec. 1611. The clerk of the court of common pleas of Hamilton county shall be clerk of the court of insolvency. The county commissioners may require the clerk, in addition to the bond now required by law, to give a bond, in not less than two thousand dollars, nor more than ten thousand dollars, conditioned that he will truly and faithfully pay over all moneys by him received in his official capacity as clerk of the court of insolvency, that he will enter and record all orders, decrees, judgments, and

Clerk of court
of insolvency,
Hamilton
county.

Fees.

proceedings of the court which he is by law required to enter and record, and faithfully and impartially perform all the duties of the office. As clerk of such court, for services when rendered, he shall receive the same fees, as the clerk of the court of common pleas or the probate court for like services.

SECTION 2. That said original section 1611 of the General Code be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 26th, 1910.

Approved April 27th, 1910.

JUDSON HARMON,

Governor.
93.

[House Bill No. 337.]

AN ACT

To amend section 4747 of the General Code, relating to organization of boards of education.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4747 of the General Code, be amended to read as follows:

Date of organization.

Sec. 4747. The board of education of each school district shall organize on the first Monday of January after the election of members of such board. One member of the board shall be elected president, one as vice president and in township school districts the clerk of the township shall be clerk of the board. The president and vice president shall serve for a term of one year and the clerk for a term not to exceed two years. In all other districts a person who may or may not be a member of the board shall be elected clerk. The board shall fix the time of holding its regular meetings.

Regular meetings.

SECTION 2. That said original section 4747 is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 21st, 1910.

Approved April 28th, 1910.

JUDSON HARMON,

Governor.
94.

[House Bill No. 272.]

AN ACT

To amend section 11497 of the General Code, relating to evidence.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 11497 of the General Code, be amended so as to read as follows:

Sec. 11497. At the instance of the adverse party, a party may be examined as if under cross-examination, either orally, or by deposition, like any other witness. If the party be a corporation, any or all the officers thereof may be so examined at the instance of the adverse party. The party calling for such examination shall not thereby be concluded but may rebut it by counter testimony.

Corporations;
officers may be
examined.

SECTION 2. That said original section 11497 of the General Code, be and the same is hereby repealed.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed April 21st, 1910.

Approved April 28th, 1910.

JUDSON HARMON,

Governor.

95.

[House Bill No. 36.]

AN ACT

To amend sections 6778, 6779, 6780, 6781, 6782, 6783, 6784, 6785, 6786, 6791, 6792, 6793, 6795, 6806, 6808, 6809, 6810, 6813, 6820, 6822 and to repeal sections 6787, 6788, 6789, 6790, 6794, 6796, 6797, 6798, 6799, 6800, 6801, 6802, 6803, 6804, 6805, 6811, 6812, 6813, 6814, 6815, 6816, 6817, 6823, 6824, 6825, 6826, 6827 and 6828 of the General Code, giving to county commissioners the power to build levees.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 6778, 6779, 6780, 6781, 6782, 6783, 6784, 6785, 6786, 6791, 6792, 6793, 6795, 6806, 6808, 6809, 6810, 6813, 6820 and 6822 of the General Code be amended so as to read as follows:

Sec. 6778. When found to be conducive to the public health, convenience, or welfare, the county commissioners may cause to be located, established and constructed as hereinafter provided, a levee within the county, along or near a stream, water course, lake or body of water, for the protection of land from overflow.

Levees, con-
struction by
commission-
ers.

Sec. 6779. A petition shall be filed with the county auditor setting forth the necessity and benefits of the improvement and describing the beginning, route and ter-

Petition.

Bond. mini thereof. It shall also contain the names of the persons and corporations, public or private, who, in the opinion of the petitioner or petitioners are in any way affected or benefited thereby. There shall be filed therewith a bond, subject to the approval of the auditor, payable to the state of Ohio, with at least two sufficient sureties, in not less than two hundred dollars, conditioned for the payment of all cost if the prayer of the petition is not granted or is dismissed for any cause. If the name of a person or corporation, either public or private, in any way affected by the proposed improvement, is omitted from the petition, the county commissioners, upon discovering that such omission has been made, shall supply such name, and cause notice to be served as herein provided.

Hearing; date, how fixed. Sec. 6780. The county auditor shall thereupon give notice to the commissioners of the filing of such petition, together with a copy thereof. He shall fix a day for the hearing thereon, not more than thirty days from the date of such notice. The auditor shall prepare and deliver to the petitioners, or any one of them, a written notice directed to the lot or land owners and to the corporations, either public or private, affected by the improvement, setting forth the substance, pendency and prayer of the petition. The county auditor shall also prepare copies of the notice, one copy of which shall be served upon each lot or land owner or left at his usual place of residence and upon an officer or agent of each public or private corporation having its place of business in the county, at least fifteen days before the day set for hearing.

Service of notice. The person who serves such copies shall make return on the notice, under oath, of time and manner of service, and file it with the auditor on or before such day, and shall receive two dollars for each day actually employed in such service.

Compensation for service. Sec. 6781. The county auditor, at the same time shall give a like notice to each lot or land owner who is a non-resident of the county, by publication in a newspaper printed and of general circulation in the county, at least two weeks before the day set for hearing. Such notice shall be verified by affidavit of the printer, or other person, knowing the fact, and filed with the auditor on or before such day, and no further notice of the petition or the proceedings had thereupon shall thereafter be required.

Notice to non-residents. Sec. 6782. An owner, claiming compensation for lands appropriated for the purpose of constructing such levee, shall make an application in writing therefor to the county commissioners on or before the day appointed for hearing the petition. On failure to make application, the owner shall be held to have waived all right to compensation.

Application for compensation. Sec. 6783. On the day set for the hearing, if it appears to the county commissioners that a person or corporation interested in the levee or embankment has not been notified as required by this chapter, or that any re-

quisite preliminary steps have not been taken, they shall continue the case not exceeding twenty days and order such notice to be given or preliminary steps to be taken.

Sec. 6784. The county commissioners shall meet at the place of beginning of the levee, as described in the petition, on the day fixed, as provided in this chapter, and hear the proof offered by any of the parties affected by said improvement, and other persons competent to testify. They shall go over and along the line of the improvement, and by actual view of the levee and the premises along and adjacent thereto or benefited thereby, determine the necessity thereof, and may adjourn from time to time and to such place as the necessity of the work may require. If the commissioners find for the improvement, they shall fix a day for the hearing of applications for appropriations of land taken therefor and damages that persons, affected by said improvement may sustain thereby, and for the approval of the report of the county surveyor as hereinafter provided for.

Duties of
commission-
ers.

Sec. 6785. If the county commissioners find for the improvement, they shall cause to be entered on their journal an order directing the county surveyor to go upon the line described in the petition, or as changed by them as provided in this chapter, and survey and level it, and set a stake at every hundred feet, note the intersections of lines and boundaries of lands, townships and county lines, landmarks, bench-marks and road crossings, and make a report, profile and plat thereof, and estimate the number of cubic yards of earth or other substance to be moved, and the cost per cubic yard for each working section as hereinafter provided, and of each section of one hundred feet.

Order to sur-
veyor.

Sec. 6786. The commissioners shall also direct the county surveyor or engineer to make and return a schedule of all the lots and lands and public or corporate roads or railroads that will be benefited, with an apportionment of the cost of location, and the labor of constructing the improvement in money, according to the benefits which will result to each, together with such other matters as the surveyor may deem material. He shall make and file with his report an itemized bill of all costs made in the proper discharge of his duties, and shall file his report with the county auditor within thirty days after making the survey and level.

Surveyor's
schedule.

Sec. 6791. A person owning lands abutting on or over which such levee will pass, shall have his section assigned thereon, within or along the boundary of his lands, to the extent of the assessment made against such owner, when the frontage is sufficient, otherwise it shall be thus assessed as far as practicable. In determining the number of owners and tenants in common, the owners of a life estate in a tract of land with tenants in common, may be counted as one, and the surveyor may direct such tenants in com-

Tenants in
common.

mon, and such owners of a life estate, to pay for the work on a single section jointly, in proportion to the value of their respective interests.

Apportionment
of expenses.

Sec. 6792. The surveyor shall assess all reasonable fees, costs, and expenses of locating and establishing such levee, and shall apportion the payment of the same equitably among the parties to be benefited thereby, and prescribe the time within which the assessment shall be paid; and the auditor shall certify the same to the treasurer whose duty it shall be to collect such assessment from each of such owners as so certified. The surveyor shall prepare, for the use of each person assessed thereon, a statement in writing, describing briefly his apportionment of the levee, with the length, height, width, and slope thereof, the amount of costs assessed against and the expenses of performing the work apportioned to such party, when to be paid, and by what time the work shall be completed.

Change of
route.

Sec. 6793. The county commissioners may alter or change the termini and route of a proposed levee, as set forth in the petition, to more effectually secure the objects and purposes of the original petition, if the compensation for lands appropriated is not affected thereby.

Strong con-
struction in
certain cases.

Sec. 6795. If it is found necessary by the county commissioners in protecting such levee from being washed away by high waters or freshets, that a portion thereof should be riprapped or otherwise protected by stone or timber, they may direct additional work to be done, particularly describing the kind and character thereof and the particular place and the sections on which it shall be done.

Repairs.

Sec. 6806. When necessary to repair a levee constructed under any law or agreement of the owners of the lands affected thereby, it may be done under the provisions of this chapter, and the proceedings therefor shall conform as far as possible to proceedings under this chapter for the location of a levee.

Apportionment.

Sec. 6808. When a levee, established under this chapter, affects beneficially a public or incorporated turnpike road or railroad so that the roadbed or track on such road will be made better or safer by the construction of such levee, there may be apportioned to the county, if a county, state, or free turnpike road, to the township, if a township road, and to the company, if a corporate turnpike road or railroad, such portion of the work, costs and expenses thereof, as if they were private individuals. They shall be required to pay for such work, costs and expenses in like manner as individuals, except that when a county or township is ordered to so pay, such amounts shall be paid from the general fund of the county or township.

Sec. 6809. All further proceedings in the case shall conform to and be governed by section 6482 and subsequent sections of the General Code, relating to the sale and construction of county ditches in so far as they may be applicable.

Sec. 6810. Any person or corporation aggrieved thereby may appeal from any order, or judgment of the commissioners made in the proceedings and entered upon their journal, determining any of the following matters, viz:

Appeal.

1. Whether said levee will be conducive to the public health, convenience, or welfare.

2. The compensation for land appropriated.

3. The damage claimed to property affected by the improvement. And thereafter the proceedings herein shall be governed by and carried on pursuant to section 6470 and subsequent sections providing for appeals in the location and construction of county ditches.

Sec. 6818. The trustees of a township through which a stream or river, subject to overflow, passes, on application, may enter upon any land in such township, to view a proposed levee or embankment, for the purpose of protecting land held by more than one person, and cause such levee or embankment to be located and constructed or cause repairs to be made upon any levee already constructed, when in their opinion, it is demanded by or will be conducive to the public health, convenience, or welfare. They may appropriate private property according to the provisions of law relating to the appropriation of private property to the use of corporations.

Powers of township trustees.

Sec. 6820. If found necessary for the purpose of draining the lands benefited by a levee as provided in this chapter the county commissioners may direct that a flood-gate, pump or elevator be constructed, erected, built or operated along a portion of such levee, particularly describing the kind and character thereof and the place on which it shall be done.

Drainage.

Sec. 6822. Any proceedings relating to the location and construction of a levee or levees not provided for in this chapter shall be governed by the laws of this state relating to the location and construction of county ditches, in so far as they may be applicable.

SECTION 2. That said original sections 6778, 6779, 6780, 6781, 6782, 6783, 6784, 6785, 6786, 6787, 6788, 6789, 6790, 6791, 6792, 6793, 6794, 6795, 6796, 6797, 6798, 6799, 6800, 6801, 6802, 6803, 6804, 6805, 6806, 6808, 6809, 6810, 6811, 6812, 6813, 6814, 6815, 6816, 6817, 6818, 6820, 6822, 6823, 6824, 6825, 6826, 6827 and 6828 be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed April 18, 1910.

Approved April 28, 1910.

JUDSON HARMON,

Governor.

AN ACT

To supplement section 342 of the General Code, by enacting sections 342-1, 342-2 and 342-3 relating to the codification of the laws.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 342 of the General Code be supplemented by the enactment of supplemental sections to be known as sections 342-1, 342-2 and 342-3, as follows:

State codifier.

Sec. 342-1. The attorney general shall be the codifier of the laws of the state. When an act of a general and permanent nature is passed by the general assembly and has been enrolled and signed by the necessary officers and before it is filed with the secretary of state, the attorney general shall examine the same. If there is no sectional numbering in the act or such numbering is not in conformity to the General Code he shall give each section of the act so passed its proper sectional or supplemental sectional number by writing or printing on the left-hand margin of the enrolled bill such proper number or numbers, and the number so designated by him shall be the official number. Such numbers so placed shall be published in the session laws and in any publication of the General Code. It shall be a sufficient reference to any section to refer to it by such official number.

Sectional numbering.

Sec. 342-2. In giving an official supplemental number the attorney general shall give the original number followed by a dash and a consecutive sub-sectional number beginning with the figure one. The letters of the alphabet shall not be used except for a supplement to a supplemental section. When a section or sections are repealed and a new act relating to the same subject matter is passed he may use the old numbers and such supplemental numbers as may be necessary as herein indicated.

Use of old numbers.

Duty of attorney general as to editorial work of the General Code.

Sec. 342-3. When the General Code is published by the state the attorney general shall have charge of the editorial work thereof, and he shall supervise the sectional and supplemental sectional numbering of all acts of a general nature, passed after the enactment of the General Code and he shall give each section of such acts a number or supplemental number, and shall place each act or section under its proper subdivision. Such numbers shall be the official numbers and it shall be sufficient to designate any section by such official number. He shall prepare an index to each edition of the General Code so published, and at the end of each section he shall give the historical annotations and may give such other annotations as he may deem necessary. At the convening of the general assembly, and at such other times as he shall deem proper, he shall make reports to the general assembly of all acts that may have been found by him to be incorrect, or that may be

Reports to general assembly.

inconsistent with other acts, and also report all acts that have been held unconstitutional by the supreme court. He shall prepare and submit to the general assembly bills codifying such parts of the statutes as he shall deem necessary, and he shall make such other recommendations as to the codification of the laws as he shall deem to be for the best interests of the state.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 18, 1910.

Approved April 28, 1910.

JUDSON HARMON,
Governor.
97

[House Bill No. 560.]

AN ACT

Authorizing the auditor of state to issue duplicate warrants on the state treasury.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the auditor of state is hereby authorized to issue the following duplicate warrants on the state treasury, the originals of which have been lost or destroyed:

Duplicate
warrants.

Warrant No. 4926, series 1905, \$62.50, favor Donald C. Scofield; warrant No. 19932, series 1909, \$72.00, favor John C. Fulton; warrant No. 21751, series 1909, \$296.00, favor Howard J. Ware; warrant No. 4624, series 1910, \$200.00, favor Owen J. Evans.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 27, 1910.

Approved April 28, 1910.

JUDSON HARMON,
Governor.
98

[House Bill No. 233.]

AN ACT

To amend section 12912 of the General Code, relating to municipal and township officials being interested in corporation contracts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 12912 of the General Code be amended to read as follows:

Sec. 12912. Whoever, being an officer of a municipal corporation or member of the council thereof or the trustee

Contracts; of-
ficials forbid-
den to be in-
terested.

Penalty.

of a township, is interested in the profits of a contract, job, work or services for such corporation or township, or acts as commissioner, architect, superintendent or engineer, in work undertaken or prosecuted by such corporation or township during the term for which he was elected or appointed, or for one year thereafter, or becomes the employe of the contractor of such contract, job, work, or services while in office, shall be fined not less than fifty dollars nor more than one thousand dollars or imprisoned not less than thirty days nor more than six months, or both, and forfeit his office.

SECTION 2. That said original section 12912 is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 21, 1910.

Approved April 28, 1910.

JUDSON HARMON,

Governor.
99

[Senate Bill No. 197.]

AN ACT

To fix the commencement of the term of the successors in office of judges elected and qualified under the act of March 24, 1869, entitled "An act to authorize the election of an additional judge of the court of common pleas in the Fourth Judicial District."

Successor to
judgeship, in
first sub-divi-
sion of fourth
district.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the successor to the judge elected and now holding the office of judge in the first sub-division of the fourth judicial district under the act of March 24, 1869, entitled "An act to authorize the election of an additional judge of the court of common pleas in the first sub-division of the fourth judicial district" shall be chosen at the election of state officers to be held in November, 1914, for a term of six years, commencing on January 1, 1916, and the successor to the judge chosen in November, 1914, shall be chosen at the election of state officers to be held in November, 1920, and his successors every six years thereafter.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 26, 1910.

Approved April 28, 1910.

JUDSON HARMON,

Governor.
100

[Senate Bill No. 156.]

AN ACT

To amend section 656 of the General Code, relating to the release of the deposits made by insurance companies other than life, and to provide for the withdrawal of the same when its liabilities to citizens of the state have been liquidated.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 656 of the General Code be amended to read as follows:

Sec. 656. When any insurance company or corporation other than life, which has made a deposit with the superintendent of insurance, intends to discontinue its business in this state, the superintendent, upon application of such company or corporation, shall give notice at its expense of such intention at least once a week for six weeks in three newspapers of general circulation in the state. After such publication, the superintendent shall deliver to such company or association its securities held by him, if he is satisfied by the affidavits of the principal officers of the company and on an examination made by him or by some competent, disinterested person or persons appointed by him, if he deems it necessary that all debts and liabilities which are due, or may become due, upon any contract or agreement made with any citizen or resident of the state of Ohio, are paid and extinguished.

Delivery of
securities.

SECTION 2. That said original section 656 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 26, 1910.

Approved April 28, 1910.

JUDSON HARMON,

Governor.
101

[Senate Bill No. 69.]

AN ACT

To amend section 3675 of the General Code, relating to vehicle licenses.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3675 of the General Code be amended so as to read as follows:

Sec. 3675. To license the owners of vehicles used for the transportation of persons or property, for hire, and all undertakers and owners of hearses, but the owners of such

Vehicle li-
cense; money
to be used for
street repairs.

vehicle may be made liable for the breach of any ordinance regulating the conduct of the drivers thereof. All moneys and receipts, in any municipal corporation, which are derived from the enforcement of any ordinance or law requiring the payment of a vehicle license fee, shall be credited and paid into a separate fund, which fund shall be known as the public service street repair fund. All moneys and receipts so credited to such fund shall be used for the sole purpose of repairing streets, avenues, alleys and lanes within such municipal corporation.

SECTION 2. That original section 3675 of the General Code be, and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Passed April 26, 1910.

Approved April 28, 1910.

JUDSON HARMON,

Governor.
 102

[Senate Bill No. 57.]

AN ACT

To authorize cities and villages to provide against the subsidence, washing, falling or depositing of earth or other material into navigable canals, ship canals or watercourses.

Be it enacted by the General Assembly of the State of Ohio:

Section 3870-1
 Powers of
 councils as to
 canals, etc.

SECTION 1. That the councils of cities and villages, where and so far as it shall be necessary for the free, convenient or safe navigation of any navigable canal, ship canal or watercourse located wholly or in part within the corporate limits or lying contiguous or adjacent thereto, may provide against the subsidence, washing, falling or depositing therein of earth or any other material from the abutting land by reason of any works or structures erected or maintained or material deposited or operations conducted thereon, by the imposition of suitable penalties and by requiring the construction of such retaining works and structures and such repair of any existing works or structures as shall be suitable and necessary to prevent the same.

Section 3870-2
 Resolution.

SECTION 2. Whenever the council of any city or village declares by resolution that such a condition exists and that for the purpose mentioned in section 1 it is necessary that such retaining works or structures be constructed or any existing works or structures be repaired along the shore or in front of any specified parcel or parcels of land abutting on any such waterway, the clerk of the council shall cause a written notice of the passage of such resolu-

tion to be served upon the owner or owners of such parcel or parcels or his agent, which notice shall be served and returned or published in the manner provided in sections 3854, 3855 and 3856 of the General Code.

If sufficient retaining works or structures be not constructed or any existing works or structures be not sufficiently repaired within such number of days from the service of notice or completion of the publication, as may be specified in the resolution of the council, the department of public service in cities and the council in villages may do or have the same done at the expense of the owner and report the cost thereof to such owner in the same manner as provided for giving notice as aforesaid, and the cost of such construction or repair shall constitute a lien against such property from the date the same is so reported to such owner, and shall be paid by the owner to the treasurer of the municipality, and if the cost of said construction or repair is not so paid within ten days from the time the same has been reported to such owner, the clerk shall certify the same, together with a penalty of five per centum thereon to the county auditor, who shall place the same on the tax duplicate and collect such costs and penalties in the same manner as other taxes are collected.

Failure to
comply with
terms of reso-
lution.

Collection by
taxation.

The sectional
numbers on the
margin hereof
are designated
as provided by
law.
U. G. DENMAN,
Atty. Gen.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 26, 1910.

Approved April 28, 1910.

JUDSON HARMON,

Governor.
103

[House Bill No. 294.]

AN ACT

To amend section 2, of an act entitled, "An act to incorporate the German United Lutheran and Reformed Congregation of St. Paul's Church, in Columbus, in the county of Franklin," passed March 7, 1842, 40 O. L. 161, relating to changing the name of such society.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2. of an act entitled "An act to incorporate the German United Lutheran and Reformed Congregation of St. Paul's church in Columbus, in the county of Franklin," be amended so as to read as follows:

Sec. 2. That said corporators, or a majority of them, shall give ten days' notice, by posting up printed or written advertisements in three of the most public places within the bounds of said society, of their first meeting, under the provisions of this act. At any subsequent meeting of

Change of
name.

its members the name of such society may be changed to that of "the Evangelical Lutheran St. Paul's Church of Columbus, Ohio;" provided, that the society shall not be deemed to have consented to or be affected by the provisions of section 8736 of the General Code by reason of such action or change of its name.

SECTION 2. That said original section 2 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 27, 1910.

Approved April 28, 1910.

JUDSON HARMON,

Governor.
104

[House Bill No. 487.]

AN ACT

To authorize the distribution of the first edition, and the sale of future editions of the highway maps of Ohio.

WHEREAS, The state highway commissioner has prepared and published, as a bulletin of his department, highway maps of Ohio; and

WHEREAS, After the present edition has been distributed, it is advisable that future publications shall be sold by the state of Ohio, at a price to cover the cost and expense of preparation and publication plus ten per cent.; therefore

Be it enacted by the General Assembly of the State of Ohio:

Section 2284-1
Highway maps
of Ohio.

Copyright.

Free distribu-
tion.

SECTION 1. Highway maps shall be published by the state and shall be officially designated as "Highway Maps of Ohio." The state highway commissioner is hereby authorized to designate the improved roads by color, and to revise such maps from time to time as the improvement of the roads may justify. He shall secure a copyright of the said maps from time to time when so published. The state highway commissioner is hereby authorized to distribute the first edition of these maps, which has been published as a bulletin of the highway department, as follows: To each county commissioner, county auditor and county surveyor of the state, one copy; to the highway commissioner for distribution among those who gratuitously helped in preparing maps, one hundred and fifty copies; for distribution among the several state departments, three hundred copies; to each newspaper correspondent of the general assembly, one copy; to each clerk and sergeant-at-arms of the senate

and of the house of representatives, one copy; the remaining copies to be equally divided among the members of the general assembly including the president of the senate.

Section 2284-2

SECTION 2. An edition of five thousand copies of the highway maps of Ohio shall be published as soon as information regarding the character of improved roads has been compiled and plates showing the same have been prepared. Future editions of not to exceed five thousand copies each, may thereafter be published when ninety per cent. of the last preceding edition has been sold. The commissioners of public printing shall have charge of the printing and binding of the editions of the highway maps of Ohio. They shall be printed upon a suitable quality of paper and shall be bound in such styles and quality of binding as to them may seem advisable. The commissioners shall advertise for bids as provided by law and shall let the contract to the best and lowest responsible bidder. The contract for printing and binding the highway maps of Ohio shall not be considered to be a part of the general contract for printing, and shall not be classed as any one of the classes of public printing but shall be a separate and distinct contract. When such maps are completed they shall be delivered to the secretary of state and shall be sold by him at the cost of the paper, printing, binding and delivering plus twenty per cent. additional. The money derived from their sale shall be turned over to the state treasury in the same manner as provided for the payment of other moneys paid into the state treasury.

Second edition.

Sale by secretary of state.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 27, 1910.

Approved April 29, 1910.

JUDSON HARMON,

Governor.

105

[Senate Bill No. 216.]

AN ACT

To amend section 3068 of the General Code, relative to the equipment and decoration of memorial buildings.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3068 of the General Code be amended so as to read as follows:

Sec. 3068. Upon completion of the memorial building the trustees shall turn it over to the county commissioners, who shall provide for the maintenance, equipment, decoration and furnishing thereof, not to exceed the sum of twenty-five thousand dollars in the same manner as they

Tax levy.

Rent.

are authorized to care for and maintain other property of the county. The board of commissioners of the county, in addition to all other levies authorized by law, shall levy an annual tax in the year 1910 and annually thereafter to care for such building, and to make such improvements thereof as are necessary to carry out the purposes for which it was constructed. They may permit the occupancy and use of the memorial building, or any part thereof, upon such terms as they deem proper.

SECTION 2. That said original section 3068 of the General Code be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Passed April 26, 1910.

Approved April 28, 1910.

JUDSON HARMON,

Governor.
 106

[Senate Bill No. 39.]

AN ACT

To amend sections 5214, 5215, 5216, 5217, 5218, 5219, 5220, 5221, 5222, 5223, 5224, to provide rules and regulations for the government and control of state naval militia and to repeal sections 5225, 5226, 5227, 5228, 5229, 5230, 5231, 5232 and 5233 of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 5214, 5215, 5216, 5217, 5218, 5219, 5220, 5221, 5222, 5223 and 5224 of the General Code be amended so as to read as follows:

Sec. 5214. There shall be allowed as a part of the organized militia of Ohio, and in addition to the Ohio national guard, not more than two ship-companies of Ohio naval militia as hereinafter provided.

Division of
Ohio naval
militia.

Sec. 5215. The Ohio naval militia shall be divided into ship-companies and each ship-company shall be designated and known by the name of the ship to which such ship-company shall be attached and for the purposes of administration and of carrying out the provisions of this act, no ship-company shall have more than two divisions in any one city, town or port.

Officers design-
ated.

Sec. 5216. To each ship-company there shall be allowed one commander, who shall command same; one lieutenant-commander as executive officer; one surgeon with the rank of lieutenant; one assistant surgeon with the rank of lieutenant, junior grade; one paymaster, with the rank of lieutenant-commander, and such junior officers as are now or may hereafter be allowed similar organization of

the United States navy, or as the exigencies of the service may require.

Sec. 5217. Commissioned officers and petty officers of the Ohio naval militia shall be chosen, commissioned and shall take rank the same as provided for the Ohio national guard, following the regulations and customs of the U. S. navy.

Officers; how chosen.

Sec. 5218. The uniform of the Ohio naval militia shall bear some distinguishing mark to indicate the state.

Sec. 5219. The Ohio naval militia shall assemble for drill and instruction at such times and places and during such periods of time as the commander-in-chief shall direct, and the total time so employed, exclusive of the annual cruise, shall not be less than three hundred hours, each year.

Drill.

Sec. 5220. Each ship-company shall annually make such a tour of duty, afloat in practice cruise, as the commander-in-chief shall order; the duration of such cruise shall be as the commander-in-chief shall order, but shall in no case be a shorter period than that allowed for the annual encampment of the Ohio national guard.

Practice cruise.

Sec. 5221. The Ohio naval militia shall be organized, governed, drilled and instructed in accordance with the articles, regulations and customs as now provided or which may be adopted for the navy of the United States, together with the orders of the governor.

Organization.

Sec. 5222. The officers and enlisted men of the Ohio naval militia shall receive from the state, the same pay and allowances, benefits and privileges, in every respect as are now or may hereafter be allowed the officers and enlisted men of corresponding rank and grade of the Ohio national guard, except such supplies as are provided by the navy department.

Compensation.

Sec. 5223. For the purpose of maintenance, cruising and care of a ship for each ship-company of the Ohio naval militia, there shall be allowed and the adjutant general shall pay to the paymaster of each ship-company six thousand dollars per annum, from the fund provided by sections 5266 and 5267 of the General Code, and appropriated under the caption "Maintenance Ohio National Guard;" and from said "Maintenance Ohio National Guard" provided by sections 5266 and 5267 of the General Code there shall be allowed and the adjutant general shall pay the state armory board the same pay and allowances as now authorized by law for the payment of military boards appointed by the governor, as provided in section 5296 of the General Code; and each ship-company and division of the Ohio naval militia shall constitute one organization for armory allowances by said state armory board as provided in section 5253 of the General Code.

Paymaster to receive \$6,000.00 for maintenance, cruising, etc.

Sec. 5224. Each ship-company shall be entitled to and receive the same allowances for incidental expenses, as is now or may be allowed the headquarters of a separate battalion of the Ohio national guard, and each division the

Incidental expenses.

same allowances in every respect as a company of infantry, as provided by law.

SECTION 2. That said original sections 5214, 5215, 5216, 5217, 5218, 5219, 5220, 5221, 5222, 5223, 5224, 5225, 5226, 5227, 5228, 5229, 5230, 5231, 5232 and 5233 of the General Code be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 26, 1910.

Approved April 28, 1910.

JUDSON HARMON,

Governor.
107

[Senate Bill No. 30.]

AN ACT

To supplement section 7690 of the General Code, and to provide for the extension of the merit system to schools.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7690 of the General Code be supplemented so as to read as follows:

Classified and
unclassified
service.

Sec. 7690-1. All employes in each city school district shall be divided into two classes to be known as the classified and unclassified service. The unclassified service shall include the position of officers elected by the people or appointed to fill vacancies in such offices; persons who by law are to serve without remuneration; persons who are required by law to have a teacher's certificate; the superintendent of instruction, the director of schools and the clerk of the board of education, school physicians and nurses, secretaries, chief deputies in the offices of the director and clerk of the board of education, the chief truant officer, all unskilled labor when but temporarily employed, and such other appointees as the civil service commission may by rule determine. The classified service shall comprise all offices and positions not included in the unclassified service.

Civil service
commission.

Sec. 7690-2. The civil service commissioners of each city shall be and are hereby constituted the civil service commissioners of the board of education in each city school district and the board of education of such district shall provide for such clerical force, examiners, and the necessary expenses of such commissioners as may be necessary for the purpose of carrying out the provisions of this act.

Registers.

The civil service commissioners shall keep separate registers and records of all positions and appointments in the classified service of the board of education. All applicants for admission into the classified service of the board of edu-

cation shall be subject to examination, which shall be competitive, public and open to all residents of the city school district, with such limitations as to age, sex, residence, health, habits and moral character as said commission may prescribe. The commission shall prepare rules and regulations adapted to carry out the purposes of this act, which rules and regulations shall provide for the grading of positions similar in character, so as to permit the filling of positions in the highest grades as far as practicable by promotions; and shall provide for public examinations to ascertain the fitness of all applicants for appointments in the classified service, and the result of such examinations shall be accessible to all persons. Such applicants shall take rank upon the register of the commission as candidates in the order of their relative standing without reference to priority of examination, and grades and standings so established shall remain the grades for a period of six (6) months or longer, if the commission so determine.

Examinations.

Sec. 7690-3. Whenever an appointment is to be made to any position in the classified service, the board or officer shall notify the commission of any vacancy to be filled. The commission shall thereupon certify to such board or officer the three candidates the highest in the respective lists as shown by the result of such examination, and such board or officer shall thereupon appoint one of the three so certified. Any candidate whose name shall have been certified three times without appointment may be dropped from the register by the commission.

Appointments.

Sec. 7690-4. It shall be the duty of each appointing officer or board to report to the civil service commission forthwith upon such appointment or employment the name of such appointee or employe, the title, the character of his employment, the date of the commencement of service, the salary or compensation thereof, and such other information as the commission may require in order to keep the roster herein provided; and it shall be the duty of said commission to prepare, conduct and keep in its office a complete roster of all persons in the classified service of the board of education, which roster shall be open to inspection at all reasonable hours. It shall show in reference to each of said persons, his name, the date of his appointment to or employment in such service, his salary or compensation, the title of the position or office he holds, or nature of the duties thereof; and, in case of removal or resignation, the date of the termination of such service.

**Notice to
commission.**

Sec. 7690-5. No officer or employe within the classified service who shall have been appointed under the provisions of this act or who shall have been continuously in the employment of the board of education for a period of three (3) years shall be removed, reduced in rank or discharged except for some cause relating to his moral character or his suitability and capacity to perform the duties of his position, though he may be suspended from duty without pay

Suspension.

for a period of not exceeding thirty (30) days pending the investigation of charges against him. Such cause shall be determined by the removing authority and reported in writing with a specific statement of the reasons therefor to the commission, but shall not be made public without the consent of the person discharged. Before such removal, reduction or discharge shall become effective the removing authority shall give such person a reasonable opportunity to know the charges against him and to be heard in his own behalf, and if such charges be not sustained by the commission he shall be reinstated in his position.

Emergency .
cases.

Sec. 7690-6. Nothing herein contained shall prevent the board of education of each city school district from defining the duties of its various employes, and prescribing the rules and regulations under which they shall serve nor from exercising proper supervision over them. Nor shall the board of education of such city school district be precluded from securing labor or assistance for short periods within its discretion in cases of emergency.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 26, 1910.

Approved April 30, 1910.

JUDSON HARMON,

Governor.
108

[Senate Bill No. 32.]

AN ACT

To amend section 1890 of the General Code providing for the compensation of officers and employes of the state school for the blind.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1890 of the General Code be amended so as to read as follows:

Maximum
compensation
specified.

Sec. 1890. The annual compensation of the officers and employes of the state school for the blind may be paid not exceeding the sums herein stated: To the matron, five hundred dollars; to the assistant matrons, four hundred dollars each; the housekeeper, four hundred and fifty dollars; the first teacher in the high school department, one thousand dollars; the second teacher in the high school department, eight hundred dollars; two female teachers high school department, six hundred dollars each; the teachers of the grammar and primary departments, five hundred and fifty dollars each; the librarian, six hundred dollars; the professor of music, one thousand dollars; four male music teachers, six hundred dollars each; three female

music teachers, five hundred dollars each; all other music teachers, three hundred dollars each; the teacher of tuning, seven hundred dollars; the foreman of the broom shop, six hundred and fifty dollars; the teacher of cane-seating, two hundred dollars; the teacher of domestic art, five hundred and fifty dollars; the teacher of sewing, five hundred and fifty dollars; the engineer, one thousand dollars. In addition to the foregoing, each teacher residing and boarding outside the school may be paid three hundred dollars each year as the trustees deem best. Exception.

SECTION 2. That said original section 1890 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 26, 1910.

Approved April 30, 1910.

JUDSON HARMON,
Governor.
109

[House Bill No. 108.]

AN ACT

To amend section 1815 of the General Code, relating to the support of inmates in benevolent institutions at the expense of the state.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1815 of the General Code be amended and supplemented by sections 1815-1, 1815-2, 1815-3, 1815-4, 1815-5, 1815-6, 1815-7, 1815-8, 1815-9 and 1815-10 so as to read as follows:

Sec. 1815. All persons now inmates of, or hereafter admitted into, a benevolent institution, except as otherwise provided in this chapter, and except as otherwise provided in chapters relating to particular institutions, shall be maintained at the expense of the state. They shall be neatly and comfortably clothed and their traveling and incidental expenses paid by themselves or those having them in charge.

Clothing and
incidental ex-
penses.

Sec. 1815-1. When any person is committed to a state hospital for the insane, to the Longview hospital, to the Ohio hospital for epileptics, or to the institution for feeble minded, the judge making such commitment shall at the same time certify to the superintendent of such institution, and the superintendent shall thereupon enter upon his records the name and address of the guardian, if any appointed, and of the relative or relatives liable for such per-

Certificate of
judge.

son's support under section 1815-9 hereof, and whether any such guardian, relative or other person or persons have agreed or are willing to furnish such support.

Maximum ex-
pense.

Sec. 1815-2. Within thirty days after the passage of this act and thereafter within thirty days after the close of each fiscal year, the board of state charities shall determine the amount per week which relatives, guardians and friends shall pay for the support of patients in each of said institutions. The amount shall not be greater than the average gross per capita cost of the preceding year; provided, that in no case shall the amount exceed four dollars per week.

Agent; duties
and salary.

Sec. 1815-3. The board of state charities shall appoint an agent who shall receive an annual salary of not more than eighteen hundred dollars and the necessary expenses incurred in the performance of his duties. Said agent shall investigate the financial condition of the inmates now in the aforesaid institutions, or hereafter committed or admitted thereto, and of the relatives liable for the support of such inmates, in order to determine the ability of any inmate or such relatives to make payment in whole or in part for the support of the said inmate; provided, that in all cases due regard shall be had for others who may be dependent for support upon the estate of said inmate.

Powers of
agent.

Sec. 1815-4. Said agent in making an investigation shall have power to subpoena witnesses, take testimony under oath and to examine any public records relating to the estate of an inmate or of a relative liable for his or her support. All his information, conclusions and recommendations shall be submitted to the board of state charities. The board, or a committee thereof, appointed for that purpose, shall determine whether such relatives shall be required to pay for the support of such inmates or whether such charges shall be made against the estate of such inmate. An order shall be issued to the persons who are determined liable for such payments, requiring them to pay monthly to the superintendent of the proper institution such an amount as the board or the committee shall deem proper, but no order shall be issued compelling payment for the care of an inmate prior to the date of the issue of such order. A copy of each order shall be sent to the proper superintendent, and he, or some officer designated by him, shall make all reasonable and proper efforts to collect such amounts; in case of inability to collect for a period of three months, the attorney general, upon the recommendation of the board of state charities, shall direct the prosecuting attorney of the proper county to collect or institute civil action in the name of the state of Ohio to recover the amount due, with interest. All moneys received under this act by the superintendents, as herein provided, or by suit instituted, shall be paid to the state treasurer and placed in the general revenue fund and a separate account kept thereof.

Order; what
to require.

Disposition of
moneys.

Sec. 1815-5. Any person who has been ordered to make payment for the support of an inmate may petition the board of state charities for a release from, or modification of such order, and said board, after an investigation by the agent, may cancel or modify such former order. The board shall at any time for due cause have the power to increase the amount previously ordered paid.

Sec. 1815-6. The superintendents of the state institutions shall submit to the board of state charities such information as they may obtain concerning the financial condition of any inmate or of relatives liable for his or her support.

Duty of superintendents.

Sec. 1815-7. In case the estate of any inmate is sufficient for his or her support, without hardship to any others who may be dependent thereon, and no guardian has been appointed for such estate, the agent shall petition the probate court of the proper county to appoint a guardian.

Sec. 1815-8. In order to facilitate the investigation of the financial condition of the inmates in such state institutions, the board of state charities may, during the period of twelve months after the passage of this act, employ additional agents, not to exceed five in number, who shall receive five dollars and necessary expenses for each day that their services may be necessary.

Additional agents; compensation.

Sec. 1815-9. It is the intent of this act that a husband may be held liable for the support of a wife while an inmate of any of said institutions, a wife for a husband, a father or mother for a son or daughter, and a son or daughter, or both, for a father or mother.

Intent of act.

Sec. 1815-10. Sections 1815-1, 1815-2, 1815-3, 1815-4, 1815-5, 1815-6, 1815-7, 1815-8 and 1815-9 of this act shall not apply to honorably discharged soldiers and sailors of the United States who are inmates of the institutions named in this act.

Exceptions.

SECTION 2. That said original section 1815 of the General Code be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 18, 1910.

This bill was presented to the governor April 19, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state May 2, 1910.

JOHN W. DEVANNEY,
Veto Clerk.
110.

[House Bill No. 577.]

AN ACT

To make appropriation for the relief of those left dependent on account of the accident at the Youghiogheny & Ohio Coal Company's mine near Amsterdam, Ohio, on the night of April 21, 1910, in which fifteen men lost their lives.

Amsterdam
mine disaster
appropriation.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That for purposes hereinafter stated there is hereby appropriated out of any money to the credit of the general relief fund, not otherwise appropriated, the sum of ten thousand dollars (\$10,000) dollars.

SECTION 2. That the speaker of the house and the president of the senate shall forthwith appoint a committee consisting of three members on the part of the house and three members on the part of the senate, which committee shall have power to distribute this money as they deem proper and right.

Duties of
committee.

SECTION 3. The committee appointed under this act shall meet with the local union No. 2581 U. M. W. A., at Amsterdam within fifteen days and determine the amount and to whom such relief shall be given, and shall issue the orders of the committee in accordance therewith.

SECTION 4. The auditor of state shall issue his warrant on the treasurer of state upon the order of this committee, signed by all the members of the committee.

SECTION 5. The committee is vested with power to turn any or all of this money over to a trustee or trustees to be paid to the one for whom it is intended, in installments. The amount of which installments is to be determined by the committee.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 30, 1910.

Approved April 30, 1910.

JUDSON HARMON,

Governor.
111

[House Bill No. 287.]

AN ACT

To amend section 6705 of the General Code, relating to the cleaning out and keeping in repair of public ditches, drains and water courses.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6705 of the General Code be amended so as to read as follows:

Sec. 6705. If the parties to whom such sections are

assessed neglect or refuse to clean or keep them in repair, the ditch supervisor may sell the work of cleaning them to the lowest responsible bidder and take a bond with approved surety for the faithful completion of the work and certify the cost of said work to the county auditor, who shall place it upon the tax duplicate against the lands so assessed, pro rata. It shall be a lien upon the land and be collected as other ditch taxes. If the whole or any part of the cost of said work certified to the county auditor is for a part of said ditch apportioned to the county, then the county auditor shall present a bill for the same to the commissioners of the county, who shall order the same paid out of the county ditch fund.

Collection by
taxation.

SECTION 2. That said original section 6705 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 30, 1910.
Approved May 2, 1910.

JUDSON HARMON,
Governor.
112

[House Bill No. 305.]

AN ACT

To amend section 1412 of the General Code, relative to when certain game birds may be killed.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1412 of the General Code be amended to read as follows:

Sec. 1412. No person within this state shall catch, kill, injure or pursue with such intent a Virginia partridge, quail or ruffed grouse, except from the fifteenth day of November to the fourth day of December, both inclusive; a woodcock or Carolina dove, except from the first day of September to the fourth day of December, both inclusive; a rail, shore bird, plover, snipe, wild duck, wild goose, wild swan, coot or mud hen, except from the first day of September to the thirty-first day of December, both inclusive, and from the first day of March to the twentieth day of April, both inclusive; or a Mongolian pheasant, English pheasant, ring-necked pheasant, or other pheasant, before the fifteenth day of November, 1913, or after that date except from the fifteenth day of November to the fourth day of December, both inclusive; but no person shall catch, kill, injure or pursue any game bird or game animal on Sunday or a wild duck or waterfowl mentioned in this section on Sunday or Monday of any week, or catch, kill or injure or

Open season.

Water fowl;
algrette
provision.

pursue, or shoot such waterfowl mentioned in this section before sunrise or after sunset of any day during the time fixed herein when it shall be lawful to kill them. The birds named in this section shall be known and classed as game birds in contradistinction to all other birds.

SECTION 2. That said original section 1412 is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 30, 1910.

Approved May 2, 1910.

JUDSON HARMON,
Governor.
113

[House Bill No. 506.]

AN ACT

To amend section 4978 of the General Code pertaining to the conduct of primary elections.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4978 of the General Code be amended so as to read as follows:

Challengers
and witnesses.

Sec. 4978. Upon application in writing of the respective controlling committees, the judges of election shall admit to the polling room one challenger and one witness for each candidate whose name appears on the ballot for the office at the head of the ticket. Such challenger and witness shall be appointed in writing by the candidates on whose behalf he serves. Such challengers and witnesses shall have the same privileges and be subject to the same regulations as are prescribed by law for the challengers and witnesses at general elections.

Application.

The judges of election of each precinct, upon the written application of any five or more candidates, shall admit to the polling room one challenger and one inspector. The application must be signed by the candidates in person in the presence of two witnesses. No candidate shall sign an application for more than one challenger and one inspector at any one polling place. Such inspector shall have the right to inspect the ballots and ballot box before the voting begins, and the challenger shall have such rights and privileges and be subject to the same regulations as are prescribed by law for challengers at general elections. The inspector shall have the right to enter the polling place at any time after five o'clock in the afternoon and remain until the ballots are all counted. He shall have the right to inspect the ballot box, tally sheets and poll books and also to witness the counting of the ballots, and inspect the same

Inspection.

while being counted, or afterwards. A person serving as challenger is eligible to serve as inspector. All of the judges and clerks conducting said primary election shall participate in the count and tabulation of all the votes cast. Any judge who refuses to admit to the polling place any challenger, or inspector, who presents a proper application signed and witnessed as herein provided, or any challenger, or inspector, who knowingly presents a false application to the judges of election, shall be fined not less than fifty dollars nor more than two hundred dollars and imprisoned in the county jail not less than thirty days.

SECTION 2. That said original section 4978 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 30th, 1910.

Approved May 2nd, 1910.

JUDSON HARMON,
Governor.
114.

[House Bill No. 277.]

AN ACT

To amend sections 5083 and 5088 of the General Code, relating to the manner of examining, canvassing, counting ballots and the manner of entering result upon the tally sheets.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 5083 and 5088 of the General Code, be amended so as to read as follows:

Sec. 5083. The ballots shall then be taken out of the ballot box, one at a time, by one of the judges who shall announce aloud distinctly, while the ticket remains in his hands, the party designation, if any, the kind of ticket, whether straight, scratched or mixed, and if scratched or mixed then such parts or sections of such ticket, whether national, state, county, township, municipal, or board of education, as may be straight, scratched or mixed, giving on all such scratched or mixed sections the name or names voted for thereon, and then deliver the same to the second judge, who shall examine it and pass it to the third judge, and so on to the fourth, who shall preserve it. The same method shall be observed in respect to each of the tickets, until all the ballots have been taken from the ballot box.

Sec. 5088. The clerks shall enter in separate columns or otherwise, to the credit of the persons voted for, in such manner as is provided in such form of tally sheets as shall have been provided for that purpose by the board of dep-

Announce-
ment of bal-
lots.

Tally sheet
entries.

uty state supervisors of elections, all the votes thus announced or read by the judges. After the examination of the ballots has been completed, the number of votes for each person shall be enumerated under the inspection of the judges and set down, as provided in the form of the tally sheets.

SECTION 2. That said original sections 5083 and 5088 be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 30th, 1910.

Approved May 2nd, 1910.

JUDSON HARMON,

Governor.
115.

[House Bill No. 84.]

AN ACT

To amend sections 5704 and 5705 of the General Code, in relation to the publication of list of delinquent lands.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 5704 and 5705 of the General Code, in relation to the publication of list of delinquent lands be amended so as to read as follows:

Publication.

Sec. 5704. Each county auditor shall cause the list of delinquent lands in his county to be published weekly for two weeks between the twentieth day of December, and the second Tuesday in February next ensuing in one newspaper in the English language, printed and of general circulation in the county, and one newspaper of the German language if there is such newspaper printed, published and of general circulation therein. There shall be attached to the list a notice that the delinquent lands will be sold by the county treasurer, as provided by law.

SECTION 5705. Such notice shall be in substance as follows:

DELINQUENT TAX SALE.

Form of
notice.

The lands, lots and parts of lots returned delinquent by the treasurer of county, with the taxes and penalty charged thereon, agreeably to law, are contained and described in the following list, viz: (here insert the list with the name or names of the owner or owners of the said respective tracts of land, or town lots, as designated on the duplicate.) And notice is hereby given that the whole of such several tracts, lots or parts of lots, or so much thereof as may be necessary to pay the taxes and penalty charged thereon, will be sold by the county treasurer at the court

house in such county on the second Tuesday of February,, unless the taxes and penalty are paid before that time, and that the sale will be continued from day to day, until the several tracts, lots and parts of lots, have been sold or offered for sale.

SECTION 3. That said original sections 5704 and 5705 be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 30th, 1910.

Approved May 2nd, 1910.

JUDSON HARMON,

Governor.
116.

[House Bill No. 85.]

AN ACT

To amend section 5711 of the General Code, in relation to the sale of delinquent lands.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5711 of the General Code, in relation to the sale of delinquent lands be amended so as to read as follows:

Sec. 5711. The county treasurer or his deputy shall attend at the court house in the county, on the second Tuesday in February, in conformity with the notice prescribed in the first section of this chapter, and at and after the hour of ten in the forenoon, offer for sale, separately, each tract of land, city or town lot, or part of lot, contained in such advertisement, on which the taxes and penalty have not been paid. The person or persons offering at the sale to pay the taxes and penalty charged on such land, lot or part of lot, for the least quantity thereof, shall be the purchaser or purchasers of such quantity. The treasurer shall continue such sale from day to day until each of such tracts, lots or parts of lots have been sold or offered for sale.

Sale of delinquent lands.

SECTION 2. That said original section 5711 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 30th, 1910.

Approved May 2nd, 1910.

JUDSON HARMON,

Governor.
117.

[Senate Bill No. 246.]

AN ACT

To correct an error in section 539 of the General Code, by the addition of a portion thereof omitted by the printer.

WHEREAS, In the printing of the General Code, through an error, section 539 was partly omitted from part one, political division, therefore;

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be enacted section 539 of the General Code to read as follows:

Sec. 539. Whenever a joint rate or charge is ordered substituted by the commission, and the railroads party thereto fail to agree within twenty days after the service of such order upon the apportionment thereof, the commission may after a hearing, issue a supplemental order declaring the apportionment of such joint rate or charge, which shall take effect of its own force as part of the original order.

Supplemental
order.

SECTION 2. That all acts or parts thereof between sections 538 and 540 of the General Code be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 30th, 1910.

Approved May 2nd, 1910.

JUDSON HARMON,

Governor.
118.

[House Bill No. 259.]

AN ACT

To authorize the board of commissioners of any county to render assistance to a corporation, or association, maintaining a hospital for charitable purposes.

Be it enacted by the General Assembly of the State of Ohio:

Section 3138-1
County aid.

SECTION 1. That the board of county commissioners of any county may enter into an agreement with a corporation or association, organized for charitable purposes in such county where a hospital has been established, or may hereafter be established, for the sick and disabled, upon such terms and conditions as may be agreed upon between said commissioners and such corporation or association, and said commissioners shall provide for the payment for the amount agreed upon, either in one payment,

or installments, or so much from year to year as the parties stipulate.

Section 3138-2

SECTION 2. The board of commissioners may annually, at the June session, levy a tax not exceeding two-tenths of one mill upon the taxable property of said county for the purpose of providing such aid and assistance to any such corporation or association; and all taxes so levied and collected under this act shall be applied under the order of said board to the purpose for which the same are so levied and collected.

Tax levy.

The sectional numbers on the margin hereof are designated as provided by law.
U. G. DENMAN,
Atty. Gen.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 30, 1910.

Approved May 2, 1910.

JUDSON HARMON,

Governor.
119.

[House Bill No. 264.]

AN ACT

To amend section 7732 of the General Code, authorizing boards of education of special districts to provide for the transportation of pupils to school.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7732 of the General Code, be amended so as to read as follows:

Sec. 7732. Boards of education of special school districts may provide for the conveyance of the pupils of such districts to the school or schools of the districts or to a school of any adjoining district, the expense of such conveyance to be paid from the school fund of the special school districts. But boards of education of such districts as provide transportation for the pupils thereof, shall not be required to transport pupils living less than one mile from the school-house; and such boards of education shall not discriminate between different portions of said districts or between pupils of similar ages or residing at similar distances from the school-house.

Conveyance of pupils.

SECTION 2. That said original section 7732 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 27, 1910.

Approved May 5, 1910.

JUDSON HARMON,

Governor.
120.

AN ACT

To authorize the incorporation of union interurban terminal and depot companies.

Be it enacted by the General Assembly of the State of Ohio:

Section 9169-1 . SECTION 1. Any five or more persons, the majority of whom are citizens of the state of Ohio, may become a body corporate for the purpose of constructing, maintaining and operating union electric interurban terminals and depots and connecting tracks. Such companies may be organized in the manner provided by law for the creation of corporations generally.

Depot Co.;
organization.

Section 9169-2 . SECTION 2. Such companies shall have power to appropriate private lands for the purpose of connecting their main tracks, terminals and depots with their own and the tracks of any other interurban electric railway company; for acquiring depot sites; for the construction of main track to avoid dangerous or difficult curves or grades or unsafe or unsubstantial grounds or foundations, or to extend or shorten their railway lines. The power to appropriate property herein provided for, shall be exercised in the manner provided for the exercise of such power by railroad companies.

Powers.

Section 9169-3 . SECTION 3. Such companies shall have power to receive grants from the council of a municipality for the use of its streets or alleys upon the same terms as street railways and said grant shall continue as long as the grants and renewal or reletting thereof to any interurban or street railway connecting with the same; to construct, maintain and operate railway lines upon the streets or alleys of a municipality to connect its depot with other street or interurban railways; to build, keep, maintain and operate union electric interurban terminals and depots for electric cars and trains; to contract for the use of their tracks for the operation of the cars of any interurban, street or other electric railway company and for furnishing them terminal depot facilities; and any interurban, street or other electric railway company shall have power to contract with such union interurban terminal and depot company for the use of their tracks and for terminal depot facilities.

Powers.

Section 9169-4 . SECTION 4. All charges made by such union interurban and depot companies for the use of their tracks and terminal depot facilities shall be on the same basis against each company and no preference in charges shall be given one company over another.

In no event shall such union interurban terminal and depot company charge any interurban street, or other electric railway company, for the use of the passenger terminal station to exceed one cent for each passenger hauled by such companies within the municipal limits.

Maximum
charge.

Section 9169-5

SECTION 5. Such company may borrow money for the purpose of raising means to carry out the powers conferred upon it by law without reference to its capital stock, and issue its notes or coupon or registered bonds therefor, bearing any rate of interest authorized by law, and secure the payment of the same by a mortgage of its real or personal property, or both.

The sectional numbers on the margin hereof are designated as provided by law.

U. G. DENMAN,
Atty. Gen.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 26th, 1910.

Approved May 7th, 1910.

JUDSON HARMON,

Governor.
121.

[Senate Bill No. 33.]

AN ACT

Relative to the manner of submitting the question "Shall there be a convention to revise, alter or amend the constitution" to the electors of the state.

Be it enacted by the General Assembly of the State of Ohio:

Section 5020-1

SECTION 1. Whenever the question "shall there be a convention to revise, alter or amend the constitution" of this state is to be submitted to the electors for their approval or rejection, there shall be printed on the official ballot in the first column thereof the following statement: "Shall there be a convention to revise, alter or amend the constitution," and on the line below such statement the words, "Constitutional Convention.....Yes," and on the next line below, "Constitutional Convention....No."

Constitutional
convention.

No matter other than such statement shall be printed in such column except as otherwise may be provided by law.

Section 5020-2

SECTION 2. Any state convention of any political party which at the last preceding general election polled at least one per cent of the entire vote cast in the state, may take action in favor of or against such question so to be submitted at the next general election, and shall certify its action to the secretary of state in the manner provided for certifying nominations for state officers, whereupon said action upon such question shall be printed upon the regular ballot at said election as a part of the party ticket of such party in the manner hereinafter provided.

Part of party
ticket.

Section 5020-3

SECTION 3. Whenever any party or parties shall certify that action has been taken thereon as provided in the

Form of
statement.

next preceding section of this act, there shall also be placed on the official ballot immediately below the names of the candidates for state offices on the regular ticket of any such party the following statement, "Shall there be a convention to revise, alter or amend the constitution," and on the line below the same the words "Constitutional Convention.....Yes," or "Constitutional Convention.....No," accordingly as affirmative or negative action shall have been certified thereon by such party or parties and such statement of such question, with the action taken thereon by such party, shall thereupon become a part of such party ticket.

Section 5020-4 SECTION 4. In marking his ballot the elector shall observe the following rules:

Rules.

1. He may make a cross mark in the blank space to the left of and before the answer he desires to give to such question, in the separate column devoted to such question, or he may make a cross mark in the blank space to the left of and before the question, and the answer thereto, of such question, as the same may be printed and certified on the ticket of any political party; whereupon such mark shall cast his ballot for the answer opposite which it is made.

2. The voter may make a cross mark in the blank circular space at the head of any ticket upon which is printed the statement of such question, and the certified answer thereto, which mark shall cast his ballot for the certified answer to such question so printed on such ticket, unless he shall have specifically answered such question otherwise elsewhere on the ballot in the manner heretofore stated.

Section 5020-5 SECTION 5. Save as otherwise herein provided the provisions of law relating to the marking and counting of ballots for candidates not inconsistent herewith, shall apply to the marking of ballots and the counting of votes upon any such question submitted in any election held under the provisions of this act.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate,

Passed April 26th, 1910.

The sectional
numbers on the
margin hereof
are designated
as provided by
law.
U. G. DENMAN,
Atty. Gen.

This bill was presented to the governor April 27, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state on May 11th, 1910.

JOHN W. DEVANNEY,
Veto Clerk.
122.

AN ACT

To amend sections 9160, 9161, 9162, 9163, 9164, 9167 and 9169 of the General Code, relating to union depot and terminal companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 9160, 9161, 9162, 9163, 9164, 9167 and 9169 of the General Code be amended to read as follows:

Sec. 9160. The presidents of two or more railroad companies running railroads to the same city, or village, by the consent and under the direction of their respective boards of directors, or any number of persons, not less than five, a majority of whom shall be residents of this state, may file articles of incorporation in the office of the secretary of state for the purpose of purchasing depot grounds, and locating, constructing, and maintaining a common or union station house, passenger or freight depot, and terminals, and a union railroad by two or more tracks connecting the railroads of various companies for business purposes.

Articles of incorporation.

Sec. 9161. The articles of incorporation shall specify:

1. The name assumed by such company.
2. The names of the companies, when the presidents of such companies incorporate under this act, and the city or village where such depot, terminals, and connection tracks are to be constructed.

3. The amount of capital stock necessary to obtain a site, and construct and maintain such depot, terminals, and tracks.

Capital stock.

Sec. 9162. Such articles, signed by the presidents in behalf of the railroad companies, with the corporate seals of the companies annexed thereto, or any number of persons, not less than five, a majority of whom shall be residents of this state, shall be forwarded to the secretary of state, who shall record and preserve them in his office. A copy thereof, duly certified by him, shall be evidence of the existence of such company; and thereafter it may contract and be contracted with, sue and be sued, locate and take releases of right of way and depot grounds and terminals, and appropriate so much land as is necessary for such depot tracks and terminals, and shall have all the powers given to railroads by the laws of this state, for the purpose of acquiring, constructing and operating its terminals.

Appropriation of land.

Sec. 9163. The companies whose boards of directors authorize the filing of the articles of incorporation, or assent thereto, shall each be held to own and be liable to pay an equal proportion of the capital stock, or when such union depot and terminal companies are organized by any number of persons, not less than five, the provisions of

the law authorizing railroad companies to enter on and appropriate lands for depots, workshops, side tracks, and materials therefor, shall be applicable to such company; and any municipality in which such company is located, owning or having charge of any public road, street, alley, way or ground of any kind, except a public landing, may grant to such union depot and terminal company the right to construct, maintain, and operate by elevated, surface and underground tracks, so far as may be necessary to carry out the purpose of said union depot and terminal company, along, over and under said public roads, streets, alleys, ways or grounds, subject to existing laws concerning crossings so far as the same may be applicable, and to erect and maintain therein the necessary tracks, piers, stays, supports and stations, and the approaches for the same, and also to construct suitable terminals and way stations; provided that before making such grant said union depot and terminal company shall file with the city or village, maps showing the location and character of the construction, and said grant shall provide for such manner of construction so that the ordinary use of and traffic upon said roads, streets, alleys, ways or grounds, whether by pedestrians, vehicles, street cars or otherwise, except temporarily when necessary in the construction of such structure, shall not be interfered with; and said grant shall further provide that any tunnel construction shall not impair the stability of said roads, streets, alleys, ways or grounds, or prevent the use of any sewers, water pipes, gas pipes, and conduits used for such purposes, or for telephone or telegraph purposes in said streets, alleys, ways or grounds, except temporarily when necessary in the construction of said tunnels.

Use of streets,
alleys, etc.

Maps.

Agreement.

Said grant can only be made upon such terms and conditions as are agreed upon by the council of the city and the company; and said grants shall provide for its acceptance by such union depot and terminal company within the time to be fixed by the council of the municipality.

By-laws, rules
and regula-
tions.

Sec. 9164. The president of each railroad company which enters into such arrangement shall, ex officio, be a director in the union company, unless the board of directors of such company appoints some other person as director; or when such union depot and terminal companies are organized by any number of persons, not less than five, the board of directors of such companies shall be elected by the stockholders. All questions which affect the pecuniary liabilities and expenditures, the election of officers, appointment of agents and employes, shall be regulated by the by-laws, rules and regulations of such companies, which shall not be inconsistent with the charter of the company and the general laws of the state. The board shall keep a record of its proceedings which shall be open to the inspection of the stockholders.

Sec. 9167. The company controlling and operating such union depot and terminal property shall be liable to the public and persons who contract with such company, for all contracts made and damages caused by it, and for all damages, costs, and expenses which arise from the fault or neglect of its officers and employees.

Liability of
company.

Sec. 9169. Any such company may borrow money for the purpose of raising means to carry out the powers conferred by the law authorizing the incorporation of union depots, without reference to the amount of stock of such company, and also issue coupon or other bonds payable to bearer, bearing interest not exceeding the highest contract rate of interest allowable in this state at the time, to be payable semi-annually; it also may mortgage its franchises, property and revenues of every kind, then owned or subsequently acquired, to secure the payment of such loan and interest, or of such bonds and interest; the stockholders thereof may guarantee the payment of any notes or bonds the company lawfully issues, and it may dispose of the same at such rate of premium or discount as the directors deem best for its interests, and it shall be sufficient to record any such mortgage securing such loan or bonds in the real estate records of the county where the depot and tracks are constructed.

Mortgages.

SECTION 2. The original sections 9160, 9161, 9162, 9163, 9164, 9167 and 9169 of the General Code be and the same are hereby repealed.

GRANVILLE W. MOONWEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 30th, 1910.

Approved May 7th, 1910.

JUDSON HARMON,

Governor.
123

[Senate Bill No. 71.]

AN ACT

To amend sections 579 and 580 of the General Code, respecting the mode of enforcing claims against railroad companies for loss of or damage to shipments of property.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 579 of the General Code be amended to read as follows:

Sec. 579. All claims, charges or demands against a railroad for loss of, or damage to property occurring while in the custody of such railroad and unreasonable delay in transportation and delivery, or for overcharges upon a shipment, or for any other service in violation of this

Damage
claims.

Verification.

Burden of proof.

chapter, if not paid within sixty days from the date of the filing thereof with such railroad, may be submitted to the commission by a formal complaint to be made upon blank forms which it is hereby made the duty of the commission to provide upon demand of the claimant. Such complaint shall be verified as petitions in civil actions and may be accompanied by the sworn statements of any witnesses who have knowledge of any fact material to the inquiry. Upon the filing of such complaint the commission shall forthwith cite the railroad to answer the complaint, and the citation shall be accompanied with a brief statement of the claim. The answer of the railroad shall be filed within three weeks from the service of the citation and shall be verified as answers in civil cases and may be accompanied with the affidavits of any witnesses having knowledge of facts material to the inquiry. The burden of proof shall be upon the railroad to show that loss or damage to property was not due to its negligence. The railroad to which property is delivered for shipment shall prima facie be liable for loss or damage occurring to such property in transit notwithstanding it may be delivered to other railroads before reaching its destination. The claim referred to in this section for loss of or damage to property may be made to any carrier over whose lines the lost or damaged property has been consigned, and such claimant may at his option join all of such railroads as parties defendant in his complaint before said commission. The railroad shall furnish the claimant with a copy of its answer and affidavits, if any, and within two weeks from the filing of such answers the claimant may file his reply with affidavits in support thereof, verified as replies in civil cases. At the expiration of said period of two weeks the commission shall proceed summarily to examine the complaint, answer, the reply and affidavits and shall determine the existence and validity of the claim presented. If it find in favor of the claimant it shall certify its findings to the clerk of the court of common pleas of the county in which the claimant resides or where the railroad or any of its offices is maintained.

SECTION 2. That section 580 of the General Code be amended to read as follows:

Immediate trial.

Sec. 580. Within thirty days from the receipt of such findings by said clerk, the railroad may by motion cause the same to be docketed as a civil action in said court in which case the original pleadings shall be used and the case shall be advanced for immediate trial. If no such motion is filed the clerk shall enter up the finding of the commission as a judgment and the same shall be in all respects treated as a judgment at law with all the incidents thereof and upon which execution may issue as in other cases. If said matter is docketed for trial the action shall proceed as in other civil actions for damages except that upon trial thereof a copy of the findings and order of

the commission, duly certified by the secretary thereof, shall be competent testimony and shall be prima facie evidence of the facts therein stated, and except that the plaintiff shall not be liable for any costs unless they accrue upon his appeal. Costs.

SECTION 3. That said original sections 579 and 580 be and they are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 26, 1910.

Approved May 9, 1910.

JUDSON HARMON,
Governor.
124

[Senate Bill No. 10.]

AN ACT

Making an appropriation in behalf of a Perry's Victory Centennial Celebration and the erection of a permanent memorial on Put-in-Bay Island during the year 1913 in commemoration of the 100th anniversary of the battle of Lake Erie and of General William Henry Harrison's Northwestern campaign in the War of 1812.

WHEREAS, The state of Ohio by joint resolution of the general assembly, passed February 28, 1908, authorized its governor to appoint, and in pursuance thereof he did appoint, five commissioners to prepare and carry out plans for a Perry's victory centennial to be held during the year 1913 on Put-in-Bay island, Lake Erie, state of Ohio, in commemoration of the 100th anniversary of the battle of Lake Erie, fought and won off that island in Lake Erie, September 10, 1813, the primary objects of the celebration to be the erection of a permanent memorial to Commodore Oliver Hazard Perry and the observance of the centenary of his naval victory and of the military campaign of General William Henry Harrison the same year, and of the peace of 1814; also to take the form of an educational, military, naval, and historical exposition; and,

Perry's victory centennial.

WHEREAS, By like resolution of the general assembly adopted in 1909 the governor of Ohio was authorized to and did appoint four additional members of said commission for the like purpose; and,

WHEREAS, The governors of the states of Pennsylvania, Michigan, Illinois, Wisconsin, New York, Rhode Island and Kentucky by the unanimous votes of their respective legislatures have each since appointed five commissioners to likewise co-operate to the same ends and with

Action of other states.

said Ohio commissioners in such Perry's victory centennial so to be held; and,

WHEREAS, The states of Indiana and Minnesota will be invited and are expected to also appoint commissioners for the same purpose; and,

WHEREAS, Said states have taken and are expected to take further action to aid in securing said centennial and exposition; and,

Report of
commission.

WHEREAS, Said commissioners of Ohio and of other states herein named have organized with the name "Perry's Victory Centennial Commission," and the Ohio commissioners have submitted to the governor and general assembly an exhaustive report embodying appropriate and practical plans for the proper celebration of said centennial anniversary; and,

"Perry Memorial;" objects
of.

WHEREAS, It is a part of the said plans to erect on said island, with the aid of the national government and the states participating in the said centennial celebration, a permanent "Perry memorial," combining the objects of a monument and light house, wireless telegraph, meteorological and life saving stations and aquarium, to be of perpetual usefulness for such and other purposes; and,

WHEREAS, House bill No. 16368, introduced by Congressman J. Warren Keifer, of Ohio, as representing the Ohio delegation and appropriating the sum of two hundred and fifty thousand dollars in aid of the erection of said memorial in conjunction with the said centennial celebration, is now pending in congress with every prospect of favorable consideration; and,

WHEREAS, The commission appointed by the governor of Ohio, as aforesaid, in said report to the governor recommends a suitable appropriation to carry out the plans and purposes therein outlined; and,

Appropriation.

WHEREAS, It is the sense of the general assembly that there shall be appropriated the sum of seventy-five thousand dollars in aid of the erection of a permanent memorial building and an appropriation of five thousand dollars for the use of the commission for its actual and necessary expenses; therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in view of the fact that, out of the total sum of seventy-five thousand dollars in aid of the erection of a permanent memorial building not more than the sum of twenty-five thousand dollars will be required within the ensuing year, the said sum of twenty-five thousand dollars is hereby appropriated from the general revenue fund of the state out of any moneys in the treasury not otherwise appropriated solely toward the erection of the said memorial building on Put-in-Bay island, the same to be disbursed by the Perry's victory centennial commission of Ohio in aid of the erection of the said memorial,

and the additional sum of five thousand dollars for the use of the commission for its actual and necessary expenses.

SECTION 2. Said sums shall be paid out of the treasury upon the warrant of the auditor of state on the treasurer of state, on proper vouchers signed by the president and treasurer of the said Perry's victory centennial commission of Ohio, which voucher shall contain itemized statements of accounts properly certified.

Disburse-
ments.

SECTION 3. The Perry centennial commission of Ohio is hereby authorized to solicit and collect popular subscriptions to carry out the plans and purposes of the commission and to expend the same in pursuance of such plans. And an account shall be kept by the treasurer of the commission of all moneys so received and moneys so collected shall be expended on proper vouchers signed by the president and secretary of the said Perry's victory centennial commission of Ohio. The commission shall annually report to the governor of the state of Ohio the moneys so collected and the amounts and purposes for which they were expended.

Annual re-
port.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 26, 1910.

Approved May 9, 1910.

JUDSON HARMON,

Governor.
125

[House Bill No. 536.]

AN ACT

To make appropriations for the last three-quarters of the fiscal year ending November 15, 1910, and the first quarter of the fiscal year ending February 15, 1911.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following sums, for the purposes hereinafter specified, be and the same are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, to-wit:

General appro-
priations.

ADJUTANT GENERAL'S DEPARTMENT.

| | |
|--|------------|
| Contingent expenses | \$2,000 00 |
| Transportation of indigent soldiers..... | 200 00 |
| Furniture and carpets..... | 100 00 |
| Steel filing cases for index to war records..... | 1,000 00 |

STATE HOUSE AND GROUNDS.

| | | |
|-------------------------|---|------------|
| General appropriations. | Salaries of two elevator attendants..... | \$1,200 00 |
| | Electric current for light and power for state house | 7,000 00 |
| | Care and repair of heating apparatus..... | 1,000 00 |
| | Fuel for state house..... | 2,000 00 |
| | Material and repairs..... | 1,500 00 |
| | Flags for state house..... | 100 00 |
| | New cables and repairs for elevators in capitol annex | 500 00 |
| | Salaries of ten regular laborers at \$720.00 each | 940 00 |

OHIO NATIONAL GUARD.

| | |
|--------------------------------------|--------------|
| State armory fund..... | \$152,754 50 |
| Maintenance Ohio national guard..... | 263,000 00 |

OHIO AGRICULTURAL EXPERIMENT STATION.

| | |
|--|-------------|
| Administration | \$16,300 00 |
| Furniture and carpets..... | 500 00 |
| Agronomy | 11,725 00 |
| Animal husbandry | 7,500 00 |
| Botany | 8,400 00 |
| Co-operative experiments | 11,970 00 |
| Entomology | 2,000 00 |
| Forestry | 6,000 00 |
| Soils | 6,500 00 |
| Chemistry | 2,200 00 |
| Horticulture | 6,450 00 |
| Nutrition | 2,000 00 |
| Dairy husbandry | 8,000 00 |
| Completing nutrition building..... | 17,000 00 |
| Purchase of land..... | 4,000 00 |
| State's share of assessment for road construction | 500 00 |
| Extension of power house..... | 3,000 00 |
| Receipts from general government, miscellaneous receipts | |

OHIO STATE BOARD OF AGRICULTURE.

| | |
|---|-------------|
| Encouragement of agriculture..... | \$25,000 00 |
| Suppression and prevention of diseases among live stock | 20,000 00 |
| Purchase and equipment of serum farm for prevention of hog cholera..... | 25,000 00 |
| Ordinary repairs and improvements on state fair grounds | 5,000 00 |

ATTORNEY GENERAL.

| | | |
|--|-----------|------------------------------|
| Salary of janitor | \$600 00 | General appro- priations. |
| Special counsel | 23,000 00 | |
| Contingent expenses | 1,500 00 | |
| Traveling expenses | 500 00 | |
| Furniture, carpets and books..... | 1,000 00 | |
| Stenographic work | 2,000 00 | |
| Costs in cases brought by state..... | 1,000 00 | |
| Special counsel and expenses, canal matters... | 3,000 00 | |

AUDITOR OF STATE.

| | |
|---|------------|
| Contingent expenses | \$3,000 00 |
| Traveling expenses | 3,000 00 |
| Furniture and carpets..... | 200 00 |
| Shelving, repairs, file cases and safe..... | 1,000 00 |
| Expenses investigating school lands..... | 2,000 00 |

OHIO STATE ARCHAEOLOGICAL AND HISTORICAL SOCIETY.

| | |
|--|------------|
| Current expenses | \$1,700 00 |
| Field work, Fort Ancient and Serpent Mound. | 1,500 00 |
| Publications | 3,300 00 |
| For reprinting volumes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 of the society's annual publications, each member of the seventy-eighth general assembly to be provided with five copies of each volume, one set for each of the accredited represen- tatives of the press (36), all said volumes to be boxed and delivered under the direc- tion and at the expense of the society..... | 6,000 00 |

STATE BOARD OF ARBITRATION.

| | |
|---------------------------------------|------------|
| Per diem and expenses of members..... | \$3,000 00 |
|---------------------------------------|------------|

SUPERINTENDENT OF BANKS.

| | |
|----------------------------|------------|
| Traveling expenses | \$8,500 00 |
| Rent of offices..... | 1,000 00 |
| Contingent expenses | 1,500 00 |
| Furniture and carpets..... | 200 00 |

BOARD OF STATE CHARITIES.

| | |
|--|----------|
| Salary of messenger..... | \$190 00 |
| Contingent expenses | 850 00 |
| State conference | 250 00 |
| Expenses of board of lady visitors..... | 600 00 |
| Transportation of non-resident insane..... | 1,000 00 |
| Salary of agent (9 months)..... | 1,350 00 |
| Per diem of extra agents..... | 3,500 00 |
| Expenses of agents..... | 2,500 00 |

STATE BOARD OF HEALTH.

| | | |
|------------------------------|--|------------|
| General appro- priations. | Salary of chief engineer..... | \$1,000 00 |
| | Per diem and traveling expenses of members of board and employes..... | 5,300 00 |
| | Apparatus and supplies engineering depart- ment and laboratories..... | 4,200 00 |
| | Contingent expenses | 3,700 00 |
| | Salaries of extra laborers and clerks..... | 380 00 |
| | Furniture and carpets..... | 400 00 |

BOARD OF PUBLIC WORKS.

| | |
|---|------------|
| Traveling expenses of members..... | \$1,000 00 |
| Traveling expenses of engineers..... | 1,200 00 |
| Land department | 7,000 00 |
| Contingent expenses | 500 00 |
| For improvement northern division Ohio canal, balances, receipts, and..... | 60,000 00 |
| Reconstruction Miami and Erie canal south of Dayton, balances, receipts, and..... | 40,000 00 |
| Provided that the specific amount here appro- priated for the reconstruction of the Miami and Erie canal south of Dayton shall not be available until leases have been made be- tween the state of Ohio and water lessees along said division of the Miami and Erie canal, aggregating in rentals at least the sum of \$40,000.00 per annum. Such new water leases shall not be for a longer term than five years, and all existing leases for a longer period than five years shall be surrendered and cancelled. All new leases before becoming operative under the pro- visions of this act shall be approved by the governor, attorney general, state board of public works and the chief engineer of pub- lic works. | |
| Expenses of commission investigating damage claims | 1,000 00 |
| Collecting and transcribing land title records.. | 4,000 00 |
| Owners' assessment paving the highway known as the Independence canal road from the south line of Button road, Newburg town- ship, to the south line of Cuyahoga county | 5,000 00 |

DAIRY AND FOOD COMMISSIONER.

| | |
|--|-------------|
| Inspection, analysis and publication..... | \$15,000 00 |
| Contingent expenses | 1,000 00 |
| Traveling expenses of liquor tax inspectors... | 5,000 00 |
| Contingent expenses for collection of liquor tax | 3,000 00 |
| Furniture and carpets..... | 400 00 |
| Library | 100 00 |
| Remodeling office..... | 2,000 00 |

CHIEF EXAMINER OF STEAM ENGINEERS.

| | | |
|---------------------------|------------|------------------------------|
| Traveling expenses | \$3,500 00 | General appro- priations. |
| Contingent expenses | 3,200 00 | |

COMMISSIONERS OF FISH AND GAME.

| | |
|------------------------------|-------------|
| General expenses | \$12,000 00 |
| Inland fish propagation..... | 3,500 00 |
| Patrol boats | 3,500 00 |

BUREAU OF LABOR STATISTICS.

| | |
|----------------------------|------------|
| Contingent expenses | \$7,000 00 |
| Furniture and carpets..... | 300 00 |

COMMISSIONERS OF PUBLIC PRINTING.

| | |
|--|-------------|
| For printing paper..... | \$15,000 00 |
| For publication of Howe's Historical Collec- tions of Ohio..... | 18,000 00 |
| Publication of the General Code, the Declara- tion of Independence, Articles of Confed- eration of 1777, Ordinance of 1787, consti- tutions and indices receipts and..... | 100,000 00 |
| Publication of a highway map of Ohio, receipts and | 12,500 00 |

OHIO SOLDIERS' CLAIMS.

| | |
|----------------------------|----------|
| Furniture and carpets..... | \$100 00 |
|----------------------------|----------|

STATE COMMISSIONER OF COMMON SCHOOLS.

| | |
|---|----------|
| Traveling expenses of commissioner..... | \$50 00 |
| Salary of messenger..... | 500 00 |
| Contingent expenses | 1,300 00 |
| Furniture and carpets..... | 200 00 |
| Boxing and shipping..... | 200 00 |

GEOLOGICAL SURVEY.

| | |
|--|------------|
| Geological survey, receipts and balances and.. | \$4,395 00 |
|--|------------|

STATE HIGHWAY DEPARTMENT.

| | |
|--|------------|
| Contingent expenses | \$2,000 00 |
| Rent of additional offices..... | 1,000 00 |
| Furniture and carpets..... | 300 00 |
| Experimental road work..... | 3,000 00 |
| State aid in road building..... | 440,000 00 |
| The appropriation in this act to the state high- way department for "State aid in road building, \$440,000.00" shall not be paid | |

General appropriations.

out by said department or used in any other manner than in new construction or repair of macadam gravel or brick roads and no part of such appropriation shall be paid to any county for repairs on dirt or unimproved roads. The purpose and intention of this appropriation is hereby declared to be for the encouragement of the construction of new macadam gravel or brick roads.

For equipping and operating laboratory for testing road building materials and for services and expenses in collecting samples of said materials 1,000 00

CHIEF INSPECTOR OF MINES.

Salaries of twelve district inspectors at \$1,800 each \$4,800 00
 Traveling expenses of twelve district inspectors 4,000 00
 Salaries of extra clerks..... 150 00
 Contingent expenses 1,200 00
 Files, fixtures and repairs..... 300 00
 Field supplies for district inspectors..... 200 00
 Rescue equipment 2,500 00
 Furniture and carpets..... 100 00

CHIEF INSPECTOR OF WORKSHOPS AND FACTORIES.

Traveling expenses of twenty-five inspectors.. \$3,500 00
 Traveling expenses of eight lady visitors..... 600 00
 Contingent expenses 900 00

INSURANCE DEPARTMENT.

Contingent expenses \$500 00
 Traveling and other expenses of superintendent and employes on official business and at meetings of actuaries and insurance department officials 300 00

BUREAU OF BUILDING AND LOAN ASSOCIATIONS.

Contingent expenses \$200 00

LEGISLATURE.

Completing journals, senate and house..... \$2,400 00
 Contingent expenses, senate clerk..... 200 00
 Contingent expenses, house clerk..... 200 00
 Contingent expenses, senate..... 2,000 00
 Contingent expenses, house..... 10,000 00
 Contingent expenses, care of both houses..... 2,500 00
 For Frederick Blankner, third assistant sergeant-at-arms of the house, for taking care

| | |
|--|----------|
| of senate chamber, hall of the house and committee rooms, during the year 1910, and for taking care of the bill books and other property of the members, as requested by them, fifteen hundred dollars (\$1,500), to be paid to him in semi-monthly installments on the warrant of the auditor of state. For the employment of laborers by the said Frederick Blankner in the performance of the foregoing duties, at the rate of two dollars (\$2.00) per day, when by him necessarily employed, fourteen hundred dollars (\$1,400), to be paid to said laborers on the warrant of the auditor of state, twenty-nine hundred dollars..... | 2,900 00 |
| Printing enrolled bills..... | 3,000 00 |

OHIO RIVER SANITARY COMMISSION.

| | |
|-----------------------------|------------|
| Expenses of commission..... | \$3,000 00 |
|-----------------------------|------------|

RAILROAD COMMISSION OF OHIO.

| | |
|--------------------------|----------|
| Traveling expenses | \$500 00 |
|--------------------------|----------|

SECRETARY OF STATE.

| | |
|--|----------|
| Salary of extra clerk hire for seven months at \$125.00 per month..... | \$875 00 |
| Contingent expenses | 2,200 00 |
| Distribution of books..... | 3,300 00 |
| Stationery fund | 8,000 00 |
| Traveling expenses | 1,000 00 |
| Furniture and carpets..... | 200 00 |

BUREAU OF VITAL STATISTICS.

| | |
|--|----------|
| Salaries of two assistant statistical clerks, one at \$840 and one at \$720..... | \$120 00 |
| Salary of shipping clerk..... | 400 00 |
| Contingent expenses | 5,000 00 |
| Furniture and carpets..... | 350 00 |

STATE LIBRARY.

| | |
|---|----------|
| Salaries of library assistants..... | \$800 00 |
| Books and papers..... | 3,000 00 |
| Contingent expenses and extra labor..... | 1,400 00 |
| For traveling library department..... | 8,000 00 |
| Furniture and carpets..... | 500 00 |
| For department of library organization..... | 2,000 00 |
| Electric elevator | 600 00 |
| Purchase of manuscript of D. D. Emmett..... | 300 00 |

SUPERVISOR OF PUBLIC PRINTING.

| | | |
|-------------------------|----------------------|-------------|
| General appropriations. | State printing | \$40,000 00 |
| | State bindery | 15,000 00 |

SUPREME COURT AND LAW LIBRARY.

| | |
|---|----------|
| Salary of assistant librarian and accession clerk | \$100 00 |
| Contingent expenses, including porters..... | 2,500 00 |
| Furniture, carpets and repairs..... | 500 00 |
| Books and legal publications for law library... | 2,500 00 |

TREASURER OF STATE.

| | |
|----------------------------|------------|
| Salary of extra clerk..... | \$1,200 00 |
| Contingent expenses | 250 00 |

OHIO PENITENTIARY.

| | |
|---|--------------|
| Current expenses | \$110,000 00 |
| Salaries of officers..... | 17,000 00 |
| Salaries of guards..... | 50,000 00 |
| Rewards to discharged convicts..... | 10,000 00 |
| Expenses of executions..... | 300 00 |
| Religious services and library..... | 400 00 |
| Maintenance of families of those convicted of non-support | 2,500 00 |
| Furniture and carpets..... | 300 00 |
| Dining room, kitchen and equipment complete. | 160,000 00 |
| Trunk sewer | 2,000 00 |
| Construction of cells and sanitary equipment. | 66,000 00 |

OHIO STATE REFORMATORY.

| | |
|---|-------------|
| Current expenses | \$55,000 00 |
| Salaries of guards..... | 28,000 00 |
| Maintenance of families of those convicted of non-support | 2,500 00 |
| Furniture and carpets..... | 500 00 |
| Ordinary repairs and improvements..... | 12,000 00 |
| Repair and improvement of electric light and power plant | 4,000 00 |
| Purchase of land and improvements..... | 50,000 00 |
| Material and equipment for industrial departments | 25,000 00 |

BOYS' INDUSTRIAL SCHOOL.

| | |
|---|-------------|
| Current expenses, receipts from clothing, miscellaneous receipts and..... | \$70,000 00 |
| Salaries of officers, teachers and trustees' expenses | 45,000 00 |
| Ordinary repairs and improvements..... | 5,000 00 |
| Furniture and carpets..... | 2,500 00 |
| Air compressors for water system..... | 5,000 00 |
| Steam boilers | 7,500 00 |

GIRLS' INDUSTRIAL HOME.

| | | |
|---|-------------|-------------------------|
| Current expenses, receipts from clothing, miscellaneous receipts and..... | \$55,000 00 | General appropriations. |
| Salaries of officers, teachers and trustees' expenses | 13,000 00 | |
| Ordinary repairs and improvements..... | 15,000 00 | |
| Furniture and carpets..... | 3,000 00 | |
| Toilet and bath rooms..... | 2,500 00 | |
| Extending industrial training..... | 3,500 00 | |
| Musical instruments, books and amusements.. | 500 00 | |
| Completing greenhouse | 3,500 00 | |
| Remodeling and refurnishing interior of cottages numbers one, four, five and eight complete | 20,941 00 | |
| New laundry building complete..... | 7,000 00 | |
| New laundry equipment complete..... | 6,000 00 | |
| To complete heating and lighting system..... | 70,000 00 | |

ATHENS STATE HOSPITAL.

| | |
|---|--------------|
| Current expenses, receipts from clothing, miscellaneous receipts and..... | \$115,000 00 |
| Salaries of officers and trustees' expenses..... | 3,000 00 |
| Ordinary repairs and improvements..... | 15,000 00 |
| Furniture and carpets..... | 2,500 00 |
| Library for patients..... | 250 00 |
| Purchase and improvement of land in Hocking river bottom | 1,500 00 |
| Hydro-therapy and electrical equipment..... | 5,000 00 |
| Installing new boiler and water system complete | 15,000 00 |
| Completing and equipping cottages for tubercular patients | 2,000 00 |
| Purchase of land for dairy purposes..... | 22,500 00 |
| Purchase of cows..... | 2,500 00 |

CLEVELAND STATE HOSPITAL.

| | |
|---|--------------|
| Current expenses, receipts from clothing, miscellaneous receipts and..... | \$140,000 00 |
| Salaries of officers and trustees' expenses..... | 6,000 00 |
| Ordinary repairs and improvements, including fence along Fisher road..... | 15,000 00 |
| Furniture and carpets..... | 2,000 00 |
| Laundry machinery | 1,000 00 |

COLUMBUS STATE HOSPITAL.

| | |
|---|--------------|
| Current expenses, receipts from clothing, miscellaneous receipts and..... | \$173,500 00 |
| Salaries of officers and trustees' expenses..... | 5,000 00 |
| Ordinary repairs and improvements..... | 40,000 00 |
| Beds and bedding | 2,000 00 |
| Furniture and carpets..... | 4,000 00 |
| Two 350 horse power water tube boilers..... | 11,970 00 |
| Two drilled wells..... | 1,500 00 |

DAYTON STATE HOSPITAL.

| | | |
|-------------------------|--|--------------|
| General appropriations. | Current expenses, receipts from clothing, miscellaneous receipts, and..... | \$125,000 00 |
| | Salaries of officers and trustees' expenses..... | 2,100 00 |
| | Ordinary repairs and improvements..... | 20,000 00 |
| | Furniture and carpets..... | 2,000 00 |
| | Paving Wayne avenue..... | 5,326 49 |

LIMA STATE HOSPITAL.

| | |
|---|--------------|
| Construction | \$350,000 00 |
| Expenses of commission | 1,000 00 |
| Farm improvements, receipts and balances and | 3,000 00 |
| Salaries of superintendent of farm and assistants | 900 00 |

LONGVIEW HOSPITAL.

| | |
|--|--------------|
| Current expenses | \$135,000 00 |
| Salaries of officers and trustees' expenses..... | 4,300 00 |
| Ordinary repairs and improvements..... | 10,000 00 |
| Furniture and carpets..... | 2,500 00 |

MASSILLON STATE HOSPITAL.

| | |
|---|--------------|
| Current expenses, receipts from clothing, miscellaneous receipts and..... | \$140,000 00 |
| Salaries of officers and trustees' expenses..... | 7,800 00 |
| Ordinary repairs and improvements..... | 10,000 00 |
| Furniture and carpets..... | 1,500 00 |
| Books and pictures..... | 250 00 |
| Purchase of land and mechanical equipment... | 25,000 00 |
| New dairy barn, material, construction and equipment | 14,000 00 |

OHIO STATE SANATORIUM.

| | |
|---|-------------|
| Current expenses, miscellaneous receipts and.. | \$25,000 00 |
| Salaries of officers and trustees' expenses..... | 2,000 00 |
| Ordinary repairs and improvements..... | 1,000 00 |
| Religious services, piano, library, amusements and pictures | 850 00 |
| Live stock | 1,500 00 |
| Roads, walks, planting and grading..... | 5,000 00 |
| Dairy and farm barns..... | 8,000 00 |
| Poultry house, yards and equipment..... | 500 00 |
| Spring house and improvements..... | 500 00 |
| Gas line, water line, heaters and equipment.... | 10,000 00 |
| Completing eight shacks at \$500.00 each..... | 4,000 00 |
| Furnishing eight shacks..... | 4,000 00 |
| Screens and equipment..... | 1,200 00 |
| Crematory (complete) | 500 00 |

TOLEDO STATE HOSPITAL.

| | | |
|---|--------------|-------------------------|
| Current expenses, receipts from clothing, miscellaneous receipts and..... | \$155,000 00 | General appropriations. |
| Salaries of officers and trustees' expenses..... | 7,500 00 | |
| Ordinary repairs and improvements..... | 25,000 00 | |
| Furniture and carpets..... | 2,500 00 | |
| Remodeling and enlarging cottages..... | 26,000 00 | |
| Machine shop and equipment..... | 3,000 00 | |

OHIO STATE SCHOOL FOR THE BLIND.

| | |
|---|-------------|
| Current expenses, receipts from clothing, miscellaneous receipts and..... | \$43,000 00 |
| Salaries of officers, teachers and trustees' expenses | 11,000 00 |
| Ordinary repairs and improvements..... | 8,000 00 |
| Furniture and carpets..... | 2,000 00 |
| Pianos and school supplies..... | 1,000 00 |
| Oculist and oculists' supplies..... | 500 00 |
| Industrial department | 6,000 00 |
| Engineer's supplies, kitchen and laundry machinery | 1,500 00 |
| Completion of tile flooring in corridors..... | 2,500 00 |
| Alumni reunion | 1,000 00 |

OHIO COMMISSION FOR THE BLIND.

| | |
|--|------------|
| Current expenses and prevention of blindness, balances and | \$2,000 00 |
|--|------------|

STATE SCHOOL FOR THE DEAF.

| | |
|---|-------------|
| Current expenses, receipts from clothing, miscellaneous receipts and..... | \$50,000 00 |
| Salaries of officers, teachers and trustees' expenses | 25,000 00 |
| Ordinary repairs and improvements..... | 6,000 00 |
| Furniture and carpets..... | 500 00 |
| Foreman and supplies industrial pursuits.... | 3,000 00 |
| Lumber and nails for boxes..... | 1,000 00 |
| Linotype machine | 4,000 00 |

OHIO HOSPITAL FOR EPILEPTICS.

| | |
|---|--------------|
| Current expenses, receipts from clothing, miscellaneous receipts and..... | \$140,000 00 |
| Salaries of officers and trustees' expenses..... | 6,000 00 |
| Ordinary repairs and improvements..... | 20,000 00 |
| Furniture and carpets..... | 2,000 00 |
| Road construction and farm improvements.... | 1,500 00 |
| Investigation and study of the nature and cause of epilepsy | 5,000 00 |

INSTITUTION FOR FEEBLE-MINDED YOUTH.

General appro-
priations.

| | |
|--|--------------|
| Current expenses, receipts from clothing, miscellaneous receipts and | \$130,000 00 |
| Salaries of officers, teachers and trustees' expenses | 10,000 00 |
| Ordinary repairs and improvements | 17,000 00 |
| Furniture and carpets | 2,000 00 |
| Ordinary repairs and improvements at custodial farm | 3,000 00 |
| One cold storage unit at custodial farm | 4,500 00 |
| Electric pump head | 850 00 |
| One electrical unit at custodial farm | 4,000 00 |
| Buildings and equipment for care of milk and feed at custodial farm complete | 1,850 00 |

OHIO SOLDIERS' AND SAILORS' HOME.

| | |
|--|-------------|
| Current expenses and clothing, amount received from the general government, miscellaneous receipts and | \$50,000 00 |
| Salaries of officers and trustees' expenses | 5,000 00 |
| Ordinary repairs and improvements | 4,000 00 |
| Furniture and carpets | 1,500 00 |
| Care and improvement of grounds and cemetery | 2,000 00 |
| Addition to electric light plant | 4,980 00 |
| Addition to nurses' cottage with rest room and toilet complete | 7,500 00 |
| New storage room complete | 5,000 00 |
| Team carriage horses | 500 00 |

OHIO SOLDIERS' AND SAILORS' ORPHANS' HOME.

| | |
|---|--------------|
| Current expenses, miscellaneous receipts and | \$100,000 00 |
| Salaries of officers, teachers and trustees' expenses | 14,000 00 |
| Ordinary repairs and improvements | 9,000 00 |
| Furniture and carpets | 1,500 00 |
| Industrial pursuits | 2,000 00 |
| Salaries of foremen and instructors | 7,000 00 |
| Religious services, amusements, library and pictures | 1,000 00 |
| Net earnings | 500 00 |
| Support orphans outside | 500 00 |
| Gymnasium equipment | 1,000 00 |
| Outside toilet complete | 1,000 00 |
| Improvement and additions for power plant and water softening plant | 5,000 00 |
| Detention ward for hospital | 1,000 00 |
| Fire pump | 1,500 00 |

THE HOME OF THE OHIO SOLDIERS, SAILORS, MARINES, THEIR WIVES, MOTHERS, WIDOWS AND ARMY NURSES.

| | |
|---|------------|
| Maintenance, miscellaneous receipts and | \$8,500 00 |
| Ordinary repairs and improvements | 1,000 00 |
| Furniture and carpets | 1,500 00 |
| Well, pump and engine | 800 00 |

MIAMI UNIVERSITY.

| | | |
|--|-------------|------------------------------|
| Maintenance of normal college..... | \$28,000 00 | General appro- priations. |
| Apparatus for college of liberal arts..... | 11,625 00 | |
| Fuel, supplies and repairs, buildings and grounds | 12,175 00 | |
| Low pressure steam connections..... | 900-00 | |
| Furnishing and equipping normal college build- ing complete | 5,000 00 | |
| Receipts | | |
| Construction of women's dormitory for normal school to cost \$75,000.00 complete..... | 37,500 00 | |

OHIO STATE UNIVERSITY.

| | |
|---|-------------|
| Equipment engineering laboratory building... | \$15,000 00 |
| Equipment power house..... | 25,400 00 |
| Extension work in agriculture and mechanical arts | 50,000 00 |
| Repairs and betterments of buildings and grounds | 30,000 00 |
| Scientific apparatus, laboratory equipment.... | 8,000 00 |
| Uses and purposes of library..... | 25,000 00 |
| Live stock and maintenance..... | 10,000 00 |
| Veterinary clinic building equipment..... | 12,500 00 |
| Fire escapes and remodeling university hall... | 25,000 00 |
| Bonds due December 1, 1910..... | 25,000 00 |
| Interest on \$80,000 of bonds due December 1, 1910 | 3,600 00 |
| Receipts | |
| For construction library to cost \$250,000.00 complete | 125,000 00 |

OHIO UNIVERSITY.

| | |
|---|------------|
| Ewing hall bonds..... | \$5,000 00 |
| Additional equipment of Ohio university and the state normal college..... | 25,000 00 |
| One year's interest on \$20,000 Ewing hall bonds | 1,000 00 |
| Additional equipment of library..... | 5,000 00 |
| For central heating plant with facilities for electric lighting and power..... | 20,000 00 |
| For construction of a science hall for the nor- mal college to cost complete \$75,000.00.... | 37,500 00 |
| Receipts | |

WILBERFORCE UNIVERSITY.

| | |
|--|------------|
| Current expenses | \$8,000 00 |
| Salary of secretary and trustees' expenses.... | 650 00 |
| Ordinary repairs and improvements..... | 800 00 |
| Industrial departments | 4,000 00 |
| Cement walks | 200 00 |

| | | |
|----------------|--|-----------|
| General appro- | Hot water mains and drainage..... | 1,500 00 |
| priations. | Furnishing girls' dormitory..... | 500 00 |
| | The unexpended balance appropriated for fire hose, nozzles and hand wagon be and the same is hereby appropriated for building for fire equipment..... | |
| | Receipts | |
| | Center section of girls' dormitory complete... | 14,000 00 |

OHIO BOARD OF PHARMACY.

Steel file case, furniture and repairs..... \$550 00

SECTION 2. The moneys appropriated in the preceding section shall not be in any way expended to pay liabilities or deficiencies existing prior to February 15, 1910, nor shall they be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid.

SECTION 3. No bills for clerk hire, for furniture or carpets or for newspapers shall be paid out of appropriations for contingent expenses; no bills for furniture or carpets shall be paid out of the appropriations made for current expenses of benevolent, penal or educational institutions.

No expenses of officers of any benevolent, penal or educational institution for attending any state, interstate or national association or conference shall be paid from the appropriations of such benevolent, penal or educational institution, unless the authority to attend such association or conference is granted at a meeting of the board of trustees or managers of such institution, upon a written resolution, adopted by the board, which shall state the purpose, time and place of meeting of such association or conference, and the reason the attendance at the same is deemed necessary and advisable, and said resolution, if adopted, shall then be submitted to the governor for his written approval, and, if he does not approve the same, the expenses for attending such association or conference shall not be paid from the appropriations of such benevolent, penal or educational institution. No money herein appropriated shall be drawn except upon a requisition upon the auditor of state, approved by the head of each department, or the trustees of the institution, which shall set forth in itemized form the service rendered, or material furnished, or expenses incurred, and the date of purchase, and the time of service, and showing that competitive bids were secured or that it was an emergency requiring immediate purchase; and all institutions, boards, commissions, and departments to which appropriations are herein made shall render to the auditor of state a monthly itemized account of such receipts and expenditures, as may be required by such auditor of state; and such institutions, boards, commissions and departments shall be subject to inspection by the auditor of state; and

it shall be the duty of the auditor of state to see that these provisions are complied with. No bills for extra clerk hire in favor of any clerk or clerks while drawing salaries from the state shall be allowed from any amount herein appropriated.

General appro-
priations.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives,
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 30, 1910.

Approved May 11, 1910.

JUDSON HARMON,

Governor.
126

[Senate Bill No. 135.]

AN ACT

Relative to employers' liability insurance risks.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section ninety-five hundred ten of the General Code be supplemented by six sections to be known as sections 9510-1, 9510-2, 9510-3, 9510-4, 9510-5, 9510-6, relative to employers' liability insurance risks, providing as follows:

Sec. 9510-1. That it shall be unlawful for any person, co-partnership or corporation or any employer to incorporate or accept, either directly or indirectly, as a part of any contract for insurance against loss, damage or liability to said employer any condition to the effect that a contract or policy of insurance shall be void if the employer be at the time the contract was made or thereafter at any time during the period covered by said contract or policy becomes insolvent. That every such term or condition, either by direct recital or in effect, contained in a contract or policy of employers' liability insurance is hereby declared to be against public policy and void and the liability of the person, co-partnership or corporation so insuring may accrue notwithstanding the same.

Sec. 9510-2. That a personal representative of any employee, whose death is alleged to have been caused by the wrongful or negligent act of any employer, or any employee whose injury is alleged to have been caused by the wrongful or negligent act of any employer, who may hereafter commence an action against any such employer for the purpose of determining the liability of any such employer in respect thereto may join, as a party defendant, to any such action any person, co-partnership or corporation furnishing or providing, directly or indirectly, any such contracts or policy of insurance to or for such em-

ployer, and covering the industry or business in which the death or injury was caused, the effect of which is to insure such employer against loss, damage or liability to any employee for or on account of death or injury of any such employee while in the service of such employer and occurring within the life of any such contract or policy of insurance, and if such person, firm or corporation is made a party defendant to any such action he or it shall have the right to make any defense to the claim of the plaintiff therein that such employer might or could make thereto and also interpose any and all defenses which he or it might have if the action had been brought by the insured, (employer).

Sec. 9510-3. That if judgment in any such action be rendered in favor of the plaintiff against the defendant employer for damages sustained and the court or jury further find that the person, firm or corporation so contracting or furnishing such policy of insurance to the defendant employer to indemnify him or it against such liability, loss or damage to his or its employees, is liable upon such contract or policy of insurance, the plaintiff shall be subrogated to all the rights of the insured employer under said contract or policy of insurance to the extent of the judgment and costs of such action, provided such judgment and costs does not exceed the amount of such policy or contract of insurance, and then the court shall order that such person, firm or corporation furnishing or providing such contract or policy of employers' liability insurance shall, if such judgment be finally sustained, pay into court the amount of such judgment and costs, not exceeding the amount of the liability upon such contract or policy of insurance.

Section 9510-1 Sec. 9510-4. An employee, who has heretofore recovered or shall hereafter recover against his employer for injuries sustained while in the employ of his employer, and because of negligence of the employer, or negligence for which he or it is liable, shall be subrogated to all the rights of the employer under any contract or policy of insurance against loss or damage resulting to said employer from injury or death of an employee while in the service of such employer whether said person, co-partnership or corporation contracting or issuing such policy of insurance has been made a party to the action for damages sustained or not.

Section 1910-2 Sec. 9510-5. In case of the death of any employee by reason of the wrongful or negligent acts of his employer, or negligence or wrongful acts for which he is liable, then the personal representative or representatives of the deceased employee shall have all the rights and remedies that the employee would have had hereunder had death not resulted.

Sec. 9510-6. The plaintiff in any such action against any employer for damages for death or injury sustained

by reason of the alleged wrongful act or negligence of such employer may attach to his petition interrogatories addressed to the said defendant employer, requiring him or it to fully disclose, under oath, whether or not he or it carries any contract or policy of employers' liability insurance and if so, to disclose the name and location of the person, firm or corporation furnishing and providing the same, together with the dates of the commencement and expiration of any such contract or policy and the amount thereof together with the terms and conditions of the same.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

The sectional numbers on the margin hereof are designated as provided by law.
U. G. DENMAN,
Atty. Gen.

Passed April 30, 1910.

Approved May 12, 1910, as to sections 9510-4 and 1910-5.

JUDSON HARMON,

Governor.

127.

May 12, 1910.

To the General Assembly:

Substitute Senate Bill No. 135, entitled "A bill relative to employers' liability risks," has been discussed and considered with the care it deserves as an admitted new departure in legislation. It deals, too, with a subject which is rapidly growing in importance as the humane policy of the laws improves the road to recovery for the personal injuries which ever heightening speed and power in industry inflict upon workmen.

Section 9510-4, which subrogates the injured person, after recovery of judgment, to all rights of the employer under his policy, I approve. Also section 9510-5, which preserves to the representatives of the deceased employe the same right of action he had himself.

The other sections I am unable to reconcile with sound policy under a free and impartial government.

Section 9510-1 declares it unlawful for any corporate or individual employer to accept a policy conditioned to be void in case of his insolvency and makes the insurer liable notwithstanding such condition.

This section cannot affect existing policies and, assuming that as to future policies it does not, even in cases of private persons, invade the liberty of contract reserved to all citizens, what would be the result of such a law?

Corporations with great resources may carry their own risks, as they sometimes do with respect to losses by fire, but the far more numerous concerns which citizens of ordinary means conduct in all parts of the state cannot afford to do this, especially with their responsibility for injuries broadened as it now is. It is to the interest of their

employees, as well as their own, that they take measures to meet this responsibility without crippling their enterprises.

This must be done by insurance which spreads the risk among many employers, and such insurance has become an important feature in the business of all civilized countries where industrial enterprises abound.

It is as impossible to suppose that an employer relaxes care and precaution toward his employees because he is so insured as that he becomes reckless of life or limb because he carries life and accident policies. But everybody knows that inattention to duty to employees does result from the demoralization which insolvency creates. So no company worth insuring in could be expected to dispense with the condition named, unless at premium rates which would be prohibitive, any more than it would with conditions respecting safety appliances, inspection, etc., which all policies contain.

The effect of this section would be practically to put an end to insurance of this kind, to the detriment not only of the employer, but also of his employees, by making barren the right of subrogation given by the approved part of this bill and the successful continuance of the enterprise which affords them employment less certain.

Surely nobody would issue such a policy to an insolvent concern, yet the bill cuts off common right of relief when the insurer has been deceived in this regard in making the contract.

Sections 9510-2, 9510-3 and 9510-6 permit the insurer to be sued with the employer in the original action and the attaching to the petition therein of interrogatories compelling the employer to give information respecting the insurance he carries.

No sound reasons have been advanced, and I know of none, for thus disturbing in a special class of cases the rules which are everywhere considered necessary for the due and orderly administration of justice. Whether the undertaking of the insurer be to indemnify the employer for what he is required to pay, or to meet a liability when adjudged, the obligation does not accrue, even to the employer, until the action against him has terminated. How then can the insurer be properly joined in that action by the employee to whom he has neither made a promise nor done an injury? The proposal is to join together, not two incompatible actions against the same defendant, but two such actions against different defendants, one of whom cannot be held liable at all, to anybody, until the action against the other results in a judgment.

A supplementary proceeding after judgment to enforce the right of subrogation, as in cases of garnishment, is the only one which could properly be provided against the insurer in the case against the employer, and this

would secure to the employee the full and speedy enforcement of all his rights.

I therefore herewith file with the secretary of state said sections 9510-1, 9510-2, 9510-3 and 9510-6 without approval.

JUDSON HARMON,

May 12, 1910.

Governor.

I have this day made public the fact of the filing in my office of the above sections and written objections thereto.

CARM A. THOMPSON,

Secretary of State.

May 12th, 1910.

[House Bill No. 24.]

AN ACT

To amend sections 6242, 6243, 6244, 6245, 10770, 10771 and 10772 and to supplement sections 6245 and 10773 by the enactment of additional sections known as sections 6245-1, 6245-2, 6245-3 and 10773-1; to repeal section 6244 of the General Code relating to liability for wrongful injury or death and the enforcement of actions therefor.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 6242, 6243, 6244, 6245, 10770, 10771, 10772 and 10773 of the General Code be amended and that sections 6245 and 10773 be supplemented by the addition of additional sections to be known as sections 6245-1, 6245-2, 6245-3, and 10773-1, as follows:

Sec. 6242. That in all actions brought to recover from an employer for personal injuries suffered by his employee or for death resulting to such employee from such personal injuries, while in the employ of such employer, arising from the negligence of such employer or any of such employer's officers, agents, or employees, it shall be held in addition to the liability now existing by law that any person in the employ of such employer, in any way having power or authority in directing or controlling any other employee of such employer, is not the fellow servant, but superior to such other employee; any person in the employ of such employer in any way having charge or control of employees in any separate branch or department, shall be held to be the superior and not fellow servant of all employees in any other branch or department in which they are employed; any person in the employ of such employer whose duty it is to repair or inspect the ways, works, boats, wharves, plant, machinery, appliances or tools, in any way connected with or in any way used in the business of the employer or to receive, give or transmit any signal, instruction, or warning to or for such employees shall be held to be the superior and not fellow servant to such other employees of such employer.

Employers' liability.

"Superior" defined.

Prima facie
evidence.

Sec. 6243. That if the employee of any such employer shall receive any personal injury by reason of any defect or unsafe condition in any ways, works, boats, wharves, plant, machinery, appliances or tools, except simple tools, in any way connected with or in any way used in the business of the employer, such employer shall be deemed to have had knowledge of such defect, before and at the time such injury was so sustained, and when the fact of such defect shall be made to appear upon trial of an action brought by such employee or his personal or legal representatives, against any such employer for damages, on account of such injuries so received, the same shall be prima facie evidence of neglect on the part of such employer; but the employer may show by way of defense that such defect was not discoverable in the exercise of ordinary care.

"No defense"
causes specified.

Sec. 6244. That in all such actions the negligence of a fellow servant of the employee shall not be a defense where the injury or death was in any way caused or contributed to by any of the following causes, to-wit: Any defect or unsafe condition in the ways, works, boats, wharves, plant, machinery, appliances or tools, except simple tools, in any way connected with or in any way used in the business of the employer; the negligence of any person engaged as superintendent, manager, foreman, inspector, repairman, signal man, or any person in any way having charge, care or control of such ways, works, boats, wharves, plant, machinery, appliances or tools; the negligence of any person in charge of or directing the particular work in which the employee was engaged at the time of the injury or death; the negligence of any person to whose orders the employee was bound to conform, and by reason of his having conformed thereto the injuries or death resulted; the negligent act of any fellow servant done in obedience to the immediate or peremptory instructions or orders given by the employer, or any person who has authority to direct the doing of said act; the want of necessary and sufficient rules and regulations for the government of such employees and the operation and maintenance of such ways, works, boats, wharves, plant, machinery, appliances or tools.

Rules.

Negligence of
employer.

Sec. 6245. That in any such action when it shall appear that the injury or death was caused in whole or in part by any of the following, to-wit: The neglect of such employer in failing to properly furnish, maintain, construct, guard, repair, inspect, or protect any of the ways, works, boats, wharves, plant, machinery, appliances or tools, in any way connected with or in any way used in the business of the employer, in any manner required by statute or law of the state or United States; any defective or unsafe condition in the ways, works, boats, wharves, plant, machinery, appliances or tools, except simple tools, in any way connected with or in any way used in the busi-

ness, of the employer, the fact that such employee continued in said employment with knowledge of such negligent omission or want of care or such defective or unsafe condition shall not be a defense unless by the terms of his employment it was expressly made the duty of such employee to report such neglect or such defective or unsafe condition to the employer and the evidence discloses that such employee failed so to report, and that the employer was not otherwise possessed of knowledge of such negligent, unsafe or defective condition. Such employee shall not be held to have assumed the risk of the negligent act of any fellow servant or employee of such employer, done in obedience to the immediate or peremptory instructions or orders given by the employer, or any other person who has authority to direct the doing of said act; the want of necessary and sufficient rules and regulations or the lack of enforcement of same; for the government of such employees in the construction, operation and maintenance of such ways, works, boats, wharves, machinery, plant, appliances or tools, or the employing or retention of any incompetent servant.

Risk not assumed.

Sec. 6245-1. That in all such actions hereafter brought, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery where his contributory negligence is slight and the negligence of the employer is gross in comparison. But the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee. Provided that no such employee who may be injured or killed shall be held in any degree to have been guilty of contributory negligence in any case where the violation of such employer of any statute or law of the state, or United States enacted for the safety of employees in any way contributed to the injury or death of such employee unless by the terms of his employment it was expressly made the duty of such employee to report such violation to the employer and the evidence shows that such employee failed so to report and that the employer was not possessed of knowledge of such violation. All questions of negligence, contributory negligence, and assumption of risk, shall be for the jury, under the instruction of the court.

Contributory negligence.

Sec. 6245-2. That in all such actions where a minor employee has been employed or retained in employment contrary to any statute or law of the state or United States, such employee shall not be deemed or held to have been guilty of contributory negligence, nor to have assumed any of the risks of such employment; but the employer may show by way of defense any fraud or misrepresentation made by such employee.

Minors.

Sec. 6245-3. That in all such actions any contract, rule, regulation or device whatsoever, the purpose or intent of which shall be to enable any employer to exempt

Insurance provision.

himself or itself from any liability created by this act, shall to that extent be void; provided, that in any action brought against any employer under or by virtue of any other provisions of this act, such employer may set off therein, any sum he or it has contributed or paid to any insurance, relief, benefit, or indemnity that may have been paid to the injured employee or the person entitled thereto on account of the injury or death for which said action was brought.

Sec. 10770. When the death of a person is caused by wrongful act, neglect or default such as would have entitled the party injured to maintain an action and recover damages in respect thereof, if death had not ensued the corporation which, or the person who would have been liable if death had not ensued, or the administrator or executor of the estate of such person, as such administrator or executor shall be liable to an action for damages, notwithstanding the death of the person injured, and although the death was caused under circumstances which make it in law murder in the first or second degree, or manslaughter. When the action is against such administrator or executor the damages recovered shall be a valid claim against the estate of such deceased person.

Death, in foreign state.

When death is caused by a wrongful act, neglect or default in another state, territory or foreign country, for which a right to maintain an action and recover damages in respect thereof is given by a statute of such other state, territory, or foreign country, such right of action may be enforced in this state, in all cases where such other state, territory or foreign country allows the enforcement in its courts of the statute of this state of a like character; but in no case shall the damages exceed the amount authorized to be recovered for a wrongful neglect or default in this state, causing death. Every such action brought under this act shall be commenced within the time prescribed for the commencement of such action by the statute of such other state, territory or foreign country.

Maximum damages.

Sec. 10772. Such action shall be for the exclusive benefit of the wife, or husband, and children, or if there be neither of them, then of the parents and next of kin of the person whose death was so caused: It must be brought in the name of the personal representative of the deceased person; and where it shall appear that any such action is for the benefit of children, widow, widower, mother, father, brother or sister, the jury may give such damages, not exceeding in any case ten thousand dollars, and where it shall appear that any such action is for the benefit of a widow and one or more minor children the jury may give such damages, not exceeding in any case twelve thousand dollars, as the jury may think proportioned to the pecuniary injury resulting from such death, to the persons respectively for whose benefit the

action was brought. Every such action must be commenced within two years after the death of such deceased person, except as provided in section 10773-1. Such personal representative, if he was appointed in this state, with the consent of the court making such appointment may at any time, before or after the commencement of a suit, settle with the defendant the amount to be paid. The amount received by such personal representative, whether by settlement, or otherwise, shall be apportioned among the beneficiaries, unless adjusted between themselves, by the court making the appointment, in such manner as shall be fair and equitable, having reference to the age and condition of such beneficiaries and the laws of descent and distribution of personal estates left by persons dying in the state.

Apportionment.

Sec. 10773-1. That in every such action for wrongful death commenced or attempted to be commenced within the time herein specified, if a judgment for the plaintiff be reversed, or if the plaintiff fail, otherwise than upon the merits, and the time limited herein for the commencement of such action has at the date of such reversal, or failure, expired, the plaintiff, or if he die and the cause of action survive, his representative may commence a new action within one year after such date.

New action.

SECTION 2. That said original sections 6242, 6243, 6244, 6245, 10770, 10771, 10772 and 10773 of the General Code be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 30th, 1910.

Approved May 12th, 1910.

JUDSON HARMON,

Governor.
128.

[House Bill No. 152.]

AN ACT

To amend sections 2983 and 2984 of the General Code, relating to the salaries of county officers.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2983 and 2984 of the General Code be amended so as to read as follows:

Sec. 2983. At the end of each quarter, each such officer shall pay into the county treasury on the warrant of the county auditor, all fees, costs, penalties, percentages, allowances and perquisites of whatever kind collected by his office during such quarter, for his official services, which money shall be kept in separate funds by the county

Quarterly payments.

Annual state-
ment.

treasurer, and credited to the office from which they were received, and he shall also, at the end of each year of his incumbency in office and at the close of the term for which he shall have been elected, make and file a sworn statement with the county commissioners, of all fees, costs, penalties, percentages, allowances and perquisites of whatever kind, which are due his office and unpaid.

Transfer of
funds.

Sec. 2984. On the first Monday of April, July, October and January, whenever necessary, during one year after April 1, 1910, the county commissioners, by order entered on their journal, shall transfer from any other fund or funds of the county, in their discretion, to any county officer's fee fund, such sums as are necessary to make good any deficiency in such fee fund likely to arise during the ensuing quarter in consequence of the payment of such officer, deputies, assistants, bookkeepers, clerks or other employes during such period from the amounts then in or estimated to come into such fee fund for that period from such office. Provided that the aggregate amounts so transferred to the fee fund of any such officer, except the county clerk, probate judge and sheriff, shall not exceed the aggregate amounts paid into or authorized to be paid into the general fund from the fee fund of such officer during such period.

Exceptions.

SECTION 2. That said original sections 2983 and 2984 of the General Code, be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed April 30th, 1910.

This bill was presented to the governor April 30, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state May 13, 1910.

JOHN W. DEVANNEY,
Veto Clerk.
129.

[House Bill No. 518]

AN ACT

To provide for a new highway law for Ohio to take the place of all existing road laws.

Be it enacted by the General Assembly of the State of Ohio:

New system of
highway laws.

SECTION 1. That the state highway commissioner be and he is hereby directed to recommend a system of high-

way laws for Ohio to take the place of all existing road laws and that he be instructed to submit such recommendations to the governor to be transmitted to the next general assembly of Ohio at its first session.

SECTION 2. That the attorney general be and he is hereby directed to assist the state highway commissioner in the preparation of such recommendations.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed May 10th, 1910.

Approved May 13th, 1910.

JUDSON HARMON,

Governor.

130.

[House Bill No. 323.]

AN ACT

To amend section 3465 of the General Code, relative to the removal of dead bodies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3465 of the General Code, be amended so as to read as follows:

Sec. 3465. When any burial ground, public or private, has been abandoned, or when the trustees of a township, or the trustees or directors of a cemetery association, are of the opinion that the further use for burial purposes of any cemetery or burial ground will be detrimental to public welfare or health, and a cemetery or burial ground in the near vicinity thereof is open for public use, such township trustees in every such case, or, in case of a cemetery association, the trustees or directors thereof, may order such cemetery or burial ground to be discontinued, and provide for the removal of all bodies therein buried, and for the removal of all stones and monuments marking the graves thereof, and for the re-interment of such bodies and the re-erection of such stones and monuments in suitable and public ground in the near vicinity, and pay therefor from the township treasury. They shall before providing for any such removal, first cause notice to be given to the family, friends or kindred of the deceased, if known to them of such order and of the time within which, not less than thirty days, such removal must be made, and that it is desired that such removal be made by the friends or kindred of the dead. If at the expiration of such time such removals have not been made, the trustees or the

Abandoned
burial ground.

Removal of
bodies and
stones.

board, as the case may be, may cause them to be made as hereinbefore provided.

SECTION 2. That said original section 3465 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 13th, 1910.

JUDSON HARMON,
Governor.
131.

[House Bill No. 258.]

AN ACT

Relating to the preparation of a code of regulations to govern the erection and maintenance of public and other buildings.

New building
code.

WHEREAS, The state departments of workshops and factories, state fire marshal and state board of health have met with opposition and embarrassment in the performance of the duties pertaining to those departments with respect to the construction, safety and sanitary conditions of public and other buildings, and

WHEREAS, Such opposition and embarrassment have arisen because of inadequate statutory provisions relating to those subjects, and

WHEREAS, Great loss of life, health and property have resulted because of the lack of proper statutory building regulations, now therefore,

Be it enacted by the General Assembly of the State of Ohio:

Submission of
code.

SECTION 1. That the secretary of the state board of health, state fire marshal and chief inspector of workshops and factories be, and they are hereby empowered and required, acting conjointly, to cause to be prepared and submitted to the next session of the general assembly a code of regulations with respect to the construction, safety, sanitary conditions and maintenance of public and other buildings, and to that end may employ such assistants, as they deem necessary; provided, however, that the total expense incurred in the employment of such assistants shall not exceed the sum of two thousand five hundred dollars.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 13, 1910.

JUDSON HARMON,
Governor.
132

AN ACT

To amend section 3678 of the General Code, relative to the appropriation of real estate.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3678 of the General Code, be amended so as to read as follows:

Sec. 3678. In the appropriation of property for any of the purposes named in the preceding section, the corporation may, when reasonably necessary, acquire property outside the limits of the corporation. No land shall be appropriated or obtained for public cemeteries within two hundred yards of a dwelling house without the consent, in writing, of the owner of the tract of land on which such dwelling house is situated. But any municipal corporation shall have the right to appropriate land, for the enlargement of any existing cemetery, within two hundred yards of any dwelling house, when such consent in writing cannot be obtained, by making the owner of such dwelling house a party to all proceedings and actions for such appropriation; such appropriation shall be made in all respects according to the provisions of this chapter, and the amount of damages to which such owner will be entitled by reason of locating said cemetery within two hundred yards of such dwelling, shall be determined by such appropriation proceedings. In such appropriation proceedings the damage to the remainder of the land of such owner shall be determined and included in the amount of damages. The addition of any land across a street or public road, as now located or which shall be hereafter established, shall not be considered an enlargement of an existing cemetery under the provisions of this section.

Appropriation
of real estate.

Damages.

Exception.

SECTION 2. That said original section 3678 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 13, 1910.

JUDSON HARMON,

Governor.
133

AN ACT

To appropriate twenty-five thousand dollars for deepening, widening and straightening what is known as Improvement No. 515, or Big Beaver Ditch, petitioned for by John Pax, et al., of Mercer county, Ohio, to secure an outlet for the waste water of the Mercer county reservoir, and to advance the interests of the public works of the state of Ohio.

Improvement
to Big Beaver
ditch.

WHEREAS, The Mercer county reservoir located and situated in Mercer and Auglaize counties, state of Ohio, and belonging to the public works of the state, is at times in each year subject to inundation and overflow. That said overflow water passes down and over what is known as Big Beaver ditch and Wabash river, a ditch petitioned for by John Pax, et al., in Mercer county, Ohio, and

WHEREAS, Said overflow has caused great and irreparable damages from time to time to the farmers who own land over which said ditch passes, or is contiguous thereto, and,

WHEREAS, The state of Ohio from time to time has paid large sums of money to liquidate said damages, and,

WHEREAS, It is necessary that there be a good and sufficient outlet provided for said overflow and the prevention of the annual occurrences of said damages, and,

WHEREAS, The citizens of the incorporate village of Celina and the farming community adjacent and contiguous to said ditch that drains water thereto, are assessed a large portion of said improvement, and,

WHEREAS, Said ditch will be conducive to public health, convenience and welfare, and will secure a good and sufficient outlet for the waste water of the Mercer county reservoir that is not now provided for, therefore,

Be it enacted by the General Assembly of the State of Ohio:

Appropriation.

SECTION 1. That there be appropriated out of any money in the state treasury not otherwise appropriated the sum of twenty-five thousand dollars, of which, however, there shall not be drawn or used any of said money to aid in the construction of said ditch, unless the additional sum necessary to complete the same be assessed and paid for by the citizens of Mercer county, Ohio. If, however, said ditch is constructed, and the balance over and above said twenty-five thousand dollars be assessed and paid by the citizens of Mercer county, Ohio, for the location and construction of said ditch, then said money thus appropriated shall, by the state treasurer on the warrant of the state auditor, be paid to the treasurer of Mercer county, to be used as the state's portion for paying for the location and construction of said ditch, to be paid out on properly drawn orders, upon the advice and consent of the board

of county commissioners, by the auditor and engineer of Mercer county, Ohio.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 13, 1910.

JUDSON HARMON,

Governor.

134

[House Bill No. 147.]

AN ACT

To amend section 4346 of the General Code relating to platting commissioner.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4346 of the General Code be amended to read as follows:

Sec. 4346. The director of public service shall also be the platting commissioner of the city, who shall provide regulations governing the platting of all lands to require all streets and alleys to be the proper width and to be coterminous with adjoining streets and alleys. Whenever council shall deem it expedient to plat any portion of the territory within the corporate limits in which the necessary or convenient streets, or alleys have not already been accepted by the corporation so as to become public streets, or when any person plats any lands within three miles of the corporate limits of a city, the platting commissioner shall, if they are in accordance with the rules as prescribed by him, endorse his written approval thereon and no plat of such land shall be entitled to record in the recorder's office in the county in which such city is located without such written approval so endorsed thereon; provided, that the approval of the platting commission of a city shall not be required, unless such city is the nearest to the lands sought to be allotted.

Platting commissioner.

Plats outside of corporation.

SECTION 2. That said original section 4346 of the General Code be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 13, 1910.

JUDSON HARMON,

Governor.

135

[House Bill No. 115.]

AN ACT

To amend sections 13083 and 13584 of the General Code defining the crime of forgery, fixing the penalty therefor, and what are sufficient allegations in indictment for forgery.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 13083 and 13584 of the General Code be amended to read as follows:

Forgery
defined.

Sec. 13083. Whoever, with intent to defraud, falsely makes, alters, forges, counterfeits, prints or photographs a record or other authentic matter of a public nature, a license or certificate authorized by law, a charter, letters patent, deed, lease, writing obligatory, will, testament, annuity, bond, covenant, bank bill or note, check, bill of exchange, contract, promissory note for the payment of money or other property, or any promise to pay money conditionally, an acceptance of a bill of exchange, the number or principal sum of an accountable receipt for a note, an order, warrant, or request for the payment of money or the delivery of goods or chattels, an acquittance or receipt either for money or goods, an acquittance, release, or discharge of a debt, account, action, suit, demand or other thing, real or personal, a plat, draft or survey of land, transfer or assurance of money, stock, goods, chattels or other property, a letter of attorney, a power to receive money or receive and transfer stock or annuities, or to let, lease, dispose of, alien or convey goods, chattels, lands, tenements, or other estate, real or personal, or a bill, order, or warrant drawn by an auditor for the payment of money at a public treasury, or, with like intent, utters or publishes as true and genuine such false, altered, forged, counterfeited, falsely printed or photographed matter, knowing it to be false, altered, forged, counterfeited, falsely printed or photographed, is guilty of forgery, and shall be imprisoned in the penitentiary not less than one year nor more than twenty years.

Penalty.

Sufficiency of
indictment.

Sec. 13584. In an indictment for falsely making, altering, forging, printing, photographing, uttering, disposing of or putting off an instrument, it shall be sufficient to set forth the purport and value thereof, and where the instrument is a promise to pay money conditionally, it shall not be necessary to allege that the condition has been performed.

SECTION 2. That said original sections 13083 and 13584 of the General Code be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 13, 1910.

JUDSON HARMON,

Governor.
136

[House Bill No. 165.]

AN ACT

To amend section 6899 of the General Code, relating to the establishing of a road on county line.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6899 of the General Code be amended to read as follows:

Sec. 6899. When it becomes necessary to establish a road on a county line, or if the public convenience requires the alteration or change of route of a state or county road leading from one county to another, the inhabitants along such line, or in the vicinity of such proposed alteration or change of route, may petition the commissioners of their respective counties for a view of such road, in the manner provided in this chapter. The commissioners of each of the counties interested, shall appoint three discreet landholders as viewers, who, or a majority of them, shall meet at the time and place named in the order of the commissioners of the oldest county interested and appoint a surveyor. The viewers and surveyor shall also be a jury for the assessment of damages, and, in all respects, be governed by the preceding sections of this chapter, and shall make their report in writing for or against such road to the commissioners of the counties concerned. The commissioners, upon receiving such report, shall be governed in all respects by this chapter.

Petition.

Jury; report of.

SECTION 2. That said original section 6899 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 13, 1910.

JUDSON HARMON,

Governor.

137

[House Bill No. 171.]

AN ACT

To authorize the taking, holding, leasing and conveying of real estate, and securing funds and unpaid purchase money by mortgage by unincorporated lodges or other subordinate bodies of any society or order, and to provide how same shall contract and be contracted with.

Be it enacted by the General Assembly of the State of Ohio:

Section 10061-1 SECTION 1. That any unincorporated lodge or other subordinate body of any society or order which is duly chartered by its grand lodge or body, may take and hold

Rights of
lodges, etc.

Conveyances.

Seal of lodge.

The sectional
numbers on the
margin hereof
are designated
as provided by
law.
U. G. DENMAN,
Atty. Gen.

real estate for its own use and benefit, by lease, purchase, grant, devise, gift or otherwise, and loan its funds and secure the same or any unpaid purchase money by mortgage on otherwise unincumbered real estate, in and by the name and number of said lodge or other subordinate body according to the register of the respective grand lodge or body. The presiding officer of such lodge or other subordinate body, together with the secretary or officer keeping the records thereof, may make conveyances or leases of any real estate belonging to such lodge or other subordinate body when authorized by a vote of the members present at a regular meeting held by said lodge or other subordinate body, under the rules and regulations of the lodge or other subordinate body, and not in conflict with the regulations provided by the respective grand lodge or body. All such conveyances or leases shall be in the name of the lodge, attested by the presiding officer and secretary, or other officer in charge of the records, shall have affixed the seal of such lodge or other subordinate body, and any mortgage taken by lodge or other subordinate body in its name and number may, when paid and satisfied, be released by the presiding officer and secretary or officer keeping the records thereof, attested by the seal of the lodge or other subordinate body.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.
Approved May 13, 1910.

JUDSON HARMON,

Governor.
138

[House Bill No. 157.]

AN ACT

To amend section 7936 of the General Code, relating to the irreducible trust fund of the Ohio University.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7936 of the General Code be amended to read as follows:

Deposit of money.

Sec. 7936. The treasurer of the Ohio university, on or before the first day of January, next, after such receipt of money, must deposit it in the state treasury upon the certificate of the state auditor. The sums so deposited shall be added to the irreducible trust funds held by the state for educational purposes, and interest thereon be paid semi-annually to the treasurer of such university, upon the requisition of the state auditor; and the president and trustees of the Ohio university shall have power

Power of trustees.

to receive and hold in trust, for the use and benefit of the university, any grant or devise of land, and any donation or bequest of money or personal property, to be applied to the general or special use of the university; all donations or bequests of money, together with other donations and bequests converted into money, shall be paid to the state treasurer, unless otherwise directed in the donation or bequest, and the sums so deposited shall be added to the irreducible trust funds held by the state for educational purposes, and interest thereon shall be paid semi-annually to the treasurer of said university upon the requisition of the state auditor.

SECTION 2. That said original section 7936 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 13, 1910.

JUDSON HARMON,

Governor.
 139

[House Bill No. 145.]

AN ACT

To provide for public safety in the operation of urban or inter-urban street cars.

Be it enacted by the General Assembly of the State of Ohio:

Section 9149-1. SECTION 1. That from and after January 1, 1913, it shall be unlawful in the state of Ohio, for any corporation, company, person or persons owning or controlling the same, to operate, use or run or permit to be run, used or operated for carrying passengers or freight on an urban or interurban railroad or street car line, any car propelled by electricity, not equipped, in addition to the hand brake in use on such car, with an air or electric power brake or apparatus, capable of applying to all the brake shoes and wheels of such car a maximum permissible braking pressure, and of automatically reducing such braking pressure, as the speed of the car decreases. Fifty per cent. of such cars to be so equipped prior to January 1, 1911, and seventy-five per cent. prior to January 1, 1912. It shall be the duty of the railroad commission of Ohio to enforce this act.

Power brakes.

Section 9149-2. SECTION 2. Any corporation, company, person or persons operating, using or running any car, or permitting any car to be operated, used or run, in violation of any of the provisions of this act, shall be liable to a penalty of

Penalty.

one hundred dollars for each such violation, to be recovered in a suit or suits which it shall be the duty of the prosecuting attorney of any county where such violation shall have been committed to prosecute such suit or suits to be brought by such prosecuting attorney upon verified information being lodged with him of such violation having occurred.

The sectional numbers on the margin hereof are designated as provided by law.
U. G. DENMAN,
Atty. Gen.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.
Approved May 13, 1910.

JUDSON HARMON,
Governor,
140

[House Bill No. 238.]

AN ACT

To supplement section 12412 of the General Code, by the enactment of section 12412-1, providing immunity for certain witnesses, and for admission of certain testimony in prosecutions therein named.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 12412 of the General Code be supplemented by the enactment of section 12412-1 to read as follows:

Sec. 12412-1. On the trial of one indicted for a violation of section 12412 of the General Code, the woman whose miscarriage was procured may be called as a witness by the state; and if, being so called, she shall testify fully to the cause of such miscarriage, she shall not thereafter be prosecuted for her participation or complicity in such offense. And on such trial the dying declaration of a woman who dies in consequence of the miscarriage or attempt to produce a miscarriage under investigation, as to the cause and circumstances of such miscarriage or attempt, shall be admissible.

Immunity
bath.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.
Approved May 13, 1910.

JUDSON HARMON,
Governor.
141.

[House Bill No. 434.]

AN ACT

To amend section 3281 of the General Code, relating to the sale of real estate and buildings by township trustees.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3281 of the General Code be amended so as to read as follows:

Sec. 3281. The trustees may receive on behalf of the township, any donation by request, devise, or deed of gift, or otherwise, of any property, real or personal, for any township use. When the township has real estate or buildings which it does not need, for township purposes, the trustees may sell and convey any such real estate or buildings. Such sale must be by public auction and upon thirty days' notice thereof in a newspaper published, or of general circulation, in such township.

Sale of township property.

SECTION 2. That said original section 3281 of the General Code be and the same is hereby repealed.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed May 10, 1910.

Approved May 13, 1910.

JUDSON HARMON,

Governor.

142

[House Bill No. 414.]

AN ACT

To amend section 13720 of the General Code, defining the time within which a convict shall be conveyed to the penitentiary or Ohio state reformatory after sentence.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 13720 of the General Code be amended to read as follows:

Sec. 13720. A person sentenced to the penitentiary, or Ohio state reformatory, unless the execution thereof is suspended, shall be conveyed to the penitentiary or Ohio state reformatory by the sheriff of the county in which the conviction was had, within five days after such sentence, and delivered into the custody of the warden of the penitentiary, or superintendent of the Ohio state reformatory, with a copy of such sentence there to be kept until the term of his imprisonment expires, or he is pardoned. If the execution of such sentence is suspended, and the judgment be afterward affirmed, he shall be conveyed to the penitentiary or Ohio state reformatory with-

Five days' limit.

Exception.

in five days after the court directs the execution of sentence; provided, however, that the trial judge, or any judge of said court in said subdivision may, in his discretion, and for good cause shown, extend the time of such conveyance.

SECTION 2. That said original section 13720 of the General Code be and the same is hereby repealed.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed May 10, 1910.

Approved May 13, 1910.

JUDSON HARMON,

Governor.

143

[House Bill No. 467.]

AN ACT

To supplement section 3282 of the General Code, by enacting sections 3282-1, 3282-2 and 3282-3, authorizing the trustees of any township to levy a tax to purchase real property containing stone or gravel and the necessary machinery for operating the same, for constructing, improving or repairing public roads within such township.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3282 of the General Code be supplemented by enacting sections 3282-1, 3282-2 and 3282-3 to read as follows:

Tax levy.

Sec. 3282-1. The trustees of a township may levy a tax in such amount, as they determine, to purchase real property, containing suitable stone or gravel, and the necessary machinery for operating the same, when deemed necessary for the construction, improvement, or repair of the public roads within the township, to be under the control of the trustees or a person appointed by them. The question of levying such tax, for such purpose, and the amount asked therefor shall be submitted to the qualified electors of the township at a general election. Twenty days' notice thereof shall be previously given by posting in at least ten public places in the township. Such notice shall state specifically the amount to be raised. If a majority of all votes cast at such election are in favor of the proposition, the tax therein provided for shall be considered authorized.

Vote at regular election.

Form of ballots.

Sec. 3282-2. The electors voting at such election shall have placed on their ballots the words, "Tax for purchase of real property for road material—Yes;" "Tax for purchase of real property for road material—No."

Sec. 3282-3. When such tax has been voted in a

township, the trustees thereof, in anticipation of such tax may issue the township bonds, of the aggregate amount not to exceed the tax voted, in denominations of not less than one hundred dollars, bearing interest at the rate not exceeding five per cent. and payable not later than ten years from date. Such bonds shall not be sold below par, and the proceeds shall be used solely for the purchase of such real estate and the necessary machinery for operating the same. Such bonds shall be signed by the trustees, countersigned by the township clerk, and repaid from the tax when collected.

Sale of bonds.

Provided further, that the trustees of any township may form such township into a road district, for the purpose of improving, or repairing the public roads of such township, and when such road district has been formed, no levy shall be made on the taxable property of such township for the improvement, or repair of the public roads therein, except by the trustees of such township; and the commissioners of the county of which such township is a part, shall make no levy on the taxable property of the county for the improvement, or repair of the public roads within such township road district.

Road district provision.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 13, 1910.

JUDSON HARMON,

Governor.

144

[House Bill No. 460.]

AN ACT

To provide for the taking over of the office of any retiring state official by the accounting department of the auditor of state.

Be it enacted by the General Assembly of the State of Ohio:

Section 273-1.

SECTION 1. The auditor of state, not more than twenty days nor less than ten days, prior to the expiration of the term of office of any state official, who is the head of a department, shall send an accountant to the office of such retiring state official for the purpose of making an inventory of all properties, supplies, furniture, credits and moneys, and any other thing belonging to the state, which it shall be the duty of such retiring official to turn over to his successor in office, or pay into the state treasury, and when such inventory has been made, such said accountant shall prepare a schedule thereof, and sign the same as such state accountant; one copy of which shall be delivered to such retiring state official, one copy thereof,

Accountant's inventory.

Filing of copies. to his successor in office, and one copy thereof, to be filed with the governor, one copy thereof to be filed with the auditor of state, and one copy thereof to be filed with the attorney general.

Section 273-2. ACCOUNTANT'S STATEMENT. SECTION 2. It shall be the further duty of such accountant to check over the transactions of such state official during his term in office, and shall make a statement thereof, in writing, to be included in such report as hereinbefore provided. Such statement shall show what sum or sums of money remain in the hands of such retiring state official at the time of the expiration of his office, which said sum or sums of money it may be his duty to turn over to his successor in office, or pay into the state treasury as provided by law.

Section 273-3. EXCEPTION AS TO AUDITOR OF STATE. SECTION 3. Provided nevertheless, that when such retiring state official shall be the auditor of state, then an accountant shall be employed by the governor to perform the duties and make the report as provided in this act, so far as such examination shall effect or concern the transactions of the outgoing auditor of state. Such accountant shall be paid out of the fund provided for the bureau of accounting.

Section 273-4. STATE INSTITUTIONS OR DEPARTMENTS. SECTION 4. When any department or any institution of this state is controlled or managed by a board composed of two or more members, then and in that event, the transactions of such department or institution shall be examined as provided in this act, when any member or members of such board shall retire from office.

The sectional numbers on the margin hereof are designated as provided by law.
U. G. DENMAN,
Atty. Gen.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.
Approved May 13, 1910.

JUDSON HARMON,
Governor.
145

[House Bill No. 507.]

AN ACT

To supplement section 231 of the General Code by section 231-1, to provide an official seal for the state registrar of vital statistics.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 231 of the General Code be supplemented to read as follows:

Seal. Sec. 231-1. The state registrar of vital statistics is hereby authorized to use an official seal which shall have engraved thereon the coat of arms of the state of Ohio, which shall be one and one-half inches in diameter and

shall be surrounded by these words: "The state registrar of vital statistics of Ohio," but shall contain no other words or devices.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 13, 1910.

JUDSON HARMON,

Governor.

146

[House Bill No. 498.]

AN ACT

Authorizing and directing the governor and secretary of state to convey certain real estate to the city of Columbus for the purpose of erecting and maintaining a fire engine house.

WHEREAS, The city of Columbus, Ohio, is planning for the erection, construction and maintenance of an engine house for fire protection to the west side of said city, to be located upon what is known as the Hill Top, and is desirous of securing from the state of Ohio the right to erect and maintain the said fire engine house upon a certain tract of land belonging to the state of Ohio, and situated in the south-west corner of that certain tract of land known as the Columbus state hospital grounds, located in Columbus, Ohio, and which tract of land so desired is particularly described in section 1 hereof, and

Engine house.

WHEREAS, The erection and maintenance of said fire engine house in close proximity to certain institutions of the state of Ohio, to-wit: The Columbus state hospital and the institution for feeble minded youth, will afford great protection to the property of the state and safeguard the lives of the inmates of said institutions, therefore

Benefit to state.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That if the said city of Columbus, by an ordinance duly passed by the city council before April 1, 1911, declares its intention and readiness to construct and erect said fire engine house, the governor and secretary of state of the state of Ohio, are hereby authorized, empowered and directed to execute and deliver to the city of Columbus, Ohio, immediately upon the passage of such ordinance, a proper lease for the term of ninety-nine years, renewable forever, leasing to said city, for the purpose of erecting and maintaining thereon a fire engine house, and upon the sole consideration that said city furnish fire protection to the Columbus state hospital and the institution

Ninety-nine-year lease.

for feeble minded youth without charge during the continuance of said lease, the following described real estate, located in the county of Franklin, state of Ohio and city of Columbus, to-wit:

Description of
real estate.

Beginning on the north line of West Broad street in said city of Columbus, Ohio, at the point where the east line of Wheatland avenue in said city intersects the north line of said West Broad street; thence, running east on the north line of said West Broad street, 120 feet; thence, northerly on a line parallel with the east line of said Wheatland avenue, 180 feet; thence, westerly on a line parallel with the north line of said West Broad street to the east line of said Wheatland avenue, at a point 180 feet north from the place of beginning; thence, southerly on the east line of said Wheatland avenue 180 feet to the place of beginning. Provided, that said lease shall be so provisioned and conditioned that the said city of Columbus shall have the exclusive right to use and occupy said premises for the erection and maintenance of a fire engine house, and for no other purpose, and, provided further, that if said city of Columbus shall, for the period of two years after said real estate is leased to it, fail or neglect to commence the erection of said fire engine house, or, if said city shall, at any time after said fire engine house is erected, abandon or fail to use the said premises for the purposes herein provided for a continuous period of two years, the said lease shall thereupon become void and of no effect, and the state of Ohio may re-enter and take possession of said real estate.

Provisions of
lease.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.
Approved May 13, 1910.

JUDSON HARMON,

Governor.
147

[House Bill No. 540.]

AN ACT

To amend section 4314 of the General Code, relating to a solicitor in a municipality.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4314 of the General Code be amended so as to read as follows:

Sec. 4314. In case the solicitor fails upon the written request of any taxpayer of the corporation to make any application provided for in the preceding three sec-

tions, such taxpayer may institute suit in his own name, on behalf of the corporation; and any taxpayer of any municipal corporation in which there is no solicitor may bring such suit on behalf of such corporation. No such suit or proceeding shall be entertained by any court until the taxpayer shall have given security for the costs of the proceeding.

SECTION 2. That said original section 4314 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 13, 1910.

JUDSON HARMON,

Governor.
148

[House Bill No. 494.]

AN ACT

To authorize the board of education of Jasper township, Fayette county, Ohio, to pay M. H. Crawford for services as teacher.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of Jasper township, Fayette county, Ohio, be and they are hereby authorized and instructed to pay to M. H. Crawford out of any funds under their control and not otherwise appropriated, the sum of forty-eight dollars (\$48.00), being the sum due him for one month, as teacher in the public schools of said township in the year 1909.

SECTION 2. Upon the order of the board of education of said township, the clerk of said board is hereby authorized and instructed to issue his warrant, and the treasurer of said board is hereby authorized and directed to pay said warrant in favor of said M. H. Crawford out of any funds under the control of said board of education of said township and not otherwise appropriated.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 13, 1910.

JUDSON HARMON,

Governor.
149

[House Bill No. 561.]

AN ACT

To make appropriations for the support of the common schools of the state.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be, and is hereby appropriated, from any moneys raised or coming into the state treasury for the support of the common schools and not otherwise appropriated, the sum of fifty thousand dollars (\$50,000.00), to assist in the maintenance of weak school districts, which shall be distributed by the auditor of state, in accordance with the provisions of the act passed April 2, 1906.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.
Approved May 13, 1910.

JUDSON HARMON,
Governor.
150

[House Bill No. 579.]

AN ACT

To amend section 1592 of the General Code relating to the powers of common pleas judges to perform the duties of probate judges.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1592 of the General Code be amended so as to read as follows:

C. P. judge
may act for
probate
judge.

Sec. 1592. When it is made to appear to the satisfaction of a common pleas judge within a county that the probate judge thereof is absent therefrom he may perform the duties conferred upon him by law for the admission of patients to a hospital for the insane of the state, or when it is made to appear that the probate judge is incapacitated on account of illness, he may perform all the duties conferred by law upon such probate judge. The record of such cases shall be made and preserved in the proper records of the probate court by the deputy clerk thereof.

SECTION 2. That said original section 1592 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 13th, 1910.

JUDSON HARMON,
Governor.
 151.

[House Bill No. 421.]

AN ACT

To amend section 1637 of the General Code, relative to the powers and duties of the insolvency court

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1637 of the General Code, be amended to read as follows:

Sec. 1637. In addition to the jurisdiction now vested therein, courts of insolvency shall have jurisdiction, concurrent with that now or which may hereafter be vested in the court of common pleas of such counties, in the following matters:

Jurisdiction
 of insolvency
 courts.

1. Allowing and issuing writs of habeas corpus and determining the validity of the detention of the persons brought before it on such writs.

2. Actions in which a receiver may be appointed under section 11894;

3. Action for the dissolution of corporations;

4. Actions to enjoin the illegal levy of taxes and assessments, or the collection of either, and to recover such taxes or assessments collected;

5. Actions in replevin brought by or against an assignee for the benefit of creditors, or for the recovery of assets assigned to an assignee for the benefit of creditors, actions to enforce the allowance of claims which have been disallowed by an assignee for the benefit of creditors, actions to declare void all acts intended to hinder, delay or defraud creditors, and actions to set aside assignments for the benefit of creditors.

Replevin.

6. Actions to dissolve co-partnerships, settle co-partnership accounts or compel accounting in co-partnership transactions;

7. Actions between claimants to property or money paid into court in appropriation proceedings;

8. Actions and proceedings in aid of executions;

9. Actions to compel the specific performance of a contract for the sale of real estate, actions by municipal corporations to recover judgments against owners of prop-

Specific per-
 formance.

erty for unpaid assessments for street improvements, or to enforce the lien of such assessments, proceedings under the municipal code to assess damages on claims filed by owners of property, action by owners of property against municipal corporations for damages resulting from the establishment, or change, of the grade of streets, and actions for divorce and alimony;

Appeals.

10. Appeals may be taken to the circuit court from orders, decrees and judgments, in such cases, and error may be prosecuted in the circuit court, in the manner and to the extent provided in such cases respectively when pending in the court of common pleas. All laws giving authority to issue injunctions, and regulating the practice in the common pleas court in such cases prescribing the form and effect of its orders, decrees and judgments, and authorizing and directing the execution thereof, shall be held to extend to the courts of insolvency.

SECTION 2. That said original section 1637 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 13th, 1910.

JUDSON HARMON,
Governor.
152.

[House Bill No. 396.]

AN ACT

To amend section 7572 of the General Code of Ohio providing for placing of caution notices on county bridges.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7572 of the General Code, be amended so as to read as follows:

Sec. 7572. The county commissioners of each county in Ohio, together with the county surveyor or an engineer to be selected by such commissioners, may ascertain the carrying capacity of every county bridge within their county, and when such carrying capacity of any such bridge is ascertained, warning notice thereof shall be conspicuously painted in large letters at each end of such county bridge. Such notice shall also caution all persons against driving thereon a loaded conveyance of greater weight than the carrying capacity thereof, or more than twenty head of horses or cattle at one time. Any person violating the provisions of this section shall be fined in any sum of not more than one hundred dollars nor less than twenty-five dollars, and in addition thereto, such county may recover

Warning
notice.

from the person so convicted all damages resulting from the injury to such bridges.

SECTION 2. That said original section 7572, be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 13th, 1910.

JUDSON HARMON,
Governor.
153.

[House Bill No. 384.]

AN ACT

To provide for a legislative reference and information department in connection with the Ohio state library.

Be it enacted by the General Assembly of the State of Ohio:

Section 798-1. SECTION 1. There is hereby created and shall be hereafter maintained in connection with the state library a department to be known as the legislative reference and information department, for the use and information especially of the members of the general assembly, the officers of the several state departments, and such other persons as may desire to consult the same. It shall have an office room in or near the state capitol, as conveniently located as possible for the members of the general assembly.

Information
department.

Section 798-2. SECTION 2. The board of library commissioners shall appoint an assistant who shall be known as legislative reference librarian. He shall be a person well fitted by training and experience to fill the requirements of this office, shall have charge of said department under the supervision of the state librarian, and shall perform the duties herein-after prescribed. The board is authorized to appoint such other assistants as the work of the department may require.

Legislative
reference
librarian.

Section 798-3. SECTION 3. The legislative reference librarian shall, as soon as possible, make available for ready reference and use suitable indexes to all such information as is contained in the various public documents of the state, including senate and house journals and executive and legislative documents, and shall keep a complete file of all bills printed by order of either house of the general assembly. He shall procure and compile in suitable and convenient form, for ready reference and access, information on current and pending legislation in other states and countries, to the end that the general assembly, or any member thereof, or any citizen of the state may have the benefit of such service. He shall also furnish to members of the general assembly, under their direction, such assistance as they may require in the preparation and formulation of bills, and perform such

Duties of L.
R. librarian.

other duties as the board of library commissioners and the general assembly may prescribe.

Section 798-4. SECTION 4. At the close of each session of the general assembly the clerk of the senate and the clerk of the house, at the request of the legislative reference librarian, shall deliver to him, to be appropriately filed and preserved, copies of bills, joint resolutions, important petitions, memorials and other legislative documents for the custody of which other provision is not made by law.

Section 798-5. SECTION 5. The board of library commissioners may expend in the establishment and equipment of the legislative reference department a sum not to exceed one thousand dollars and for its maintenance such sum as the general assembly shall from time to time determine.

The sectional numbers on the margin hereof are designated as provided by law.
U. G. DENMAN,
Atty. Gen.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 13th, 1910.

JUDSON HARMON,
Governor.
154.

[House Bill No. 397.]

AN ACT

To amend section 3650 of the General Code, relating to powers of municipalities regarding public nuisances.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3650 of the General Code, be amended so as to read as follows:

Sec. 3650. To prevent injury and annoyance from anything dangerous, offensive, or unwholesome; to cause any nuisance to be abated; and to regulate and compel the consumption of smoke, and prevent injury and annoyance from the same, and to regulate and prohibit the use of steam whistles, and to regulate and compel the users of gas and gasoline engines to equip the said engines with mufflers.

Mufflers.

SECTION 2. That said original section 3650 of the General Code, be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 13th, 1910.

JUDSON HARMON,
Governor.
155.

AN ACT

To authorize the board of education of Clinton township, Franklin county, Ohio, to pay Mary I. Weber for services as teacher.

WHEREAS, By reason of the resignation in December, 1906, of the regular teacher of the high school in Clinton township, Franklin county, Ohio, Mary I. Weber, at the request of the board of education of said township, and under a contract duly entered into, taught said school to the entire satisfaction of said board of education and the patrons of said school during the remainder of said term, but was unable, until after the school closed on the fourth day of June, 1907, to obtain a certificate from the board of county school examiners, and by reason thereof has received no compensation for her services from the twenty-fourth day of April, to the fourth day of June, 1907, inclusive, being thirty (30) school days thereof; therefore

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of Clinton township, Franklin county, Ohio, be and they are hereby authorized and instructed to pay to Mary I. Weber out of any funds under their control and not otherwise appropriated, the sum of sixty-seven dollars and fifty cents (\$67.50) being the sum due her for thirty (30) days at forty-five dollars (\$45.00) per month, to-wit: from the twenty-fourth day of April, 1907, to the fourth day of June, 1907.

Teacher's salary.

SECTION 2. Upon the order of the board of education of said township, the clerk of said board is hereby authorized and instructed to issue his warrant, and the treasurer of said board is hereby authorized and directed to pay said warrant in favor of said Mary I. Weber out of any funds under the control of said board of education of said township and not otherwise appropriated.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.
Approved May 13th, 1910.

JUDSON HARMON,
Governor.
156.

AN ACT

To prevent and punish fraud in sales of goods, wares, and merchandise at public or private sale, by itinerant vendors, and to regulate all such sales; and to amend sections 6357, 6361, 6366, 6369, 13166 and 13167 of the General Code of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 6357, 6361, 6366, 6369, 13166 and 13167 of the General Code, be amended so as to read as follows:

Oath of vendor. Sec. 6357. An itinerant vendor shall not advertise, represent or hold forth a sale of goods, wares or merchandise as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver, wholesale manufacturer's, wholesale, or closing out sale, or as a sale of goods damaged by smoke, fire, water, or otherwise, unless, before so doing, he shall state, under oath to the secretary of state, either in the original application for a state license, or in a supplementary application, subsequently filed and copied on the license all the facts relating to the reasons and character of such special sale so advertised, held forth, or represented, including a statement of the names of the persons from whom the said goods, wares or merchandise were obtained, the date of delivery of the same to the person applying for the license, the place from which said goods, wares and merchandise were last taken and all details necessary to exactly locate and fully identify all goods, wares and merchandise to be so sold.

"Wearing apparel" and itinerant vendor defined.

Sec. 6361. The words "wearing apparel," for the purpose of this chapter, shall mean and include clothing, underwear, hats and shoes. The words "itinerant vendor," for the purposes of this chapter, shall mean and include all persons, both principals and agents, who engage in or conduct, in this state, either in one locality or in traveling from place to place, a temporary or transient business of selling goods, wares and merchandise with the intention of continuing in such business in any one place for a period of not more than one hundred and twenty days, and who, for the purpose of carrying on such business, hire, lease, or occupy, either in whole or in part, a room, building or other structure, for the exhibition and sale of such goods, wares and merchandise.

Sec. 6366. The mayor, clerk, city solicitor or any assistant city solicitor of any municipal corporation in this state, shall have power to demand the production of the proper state and local licenses from an itinerant vendor advertising or actually engaged in business in such municipal corporation, and a failure to produce such license shall be prima facie evidence that such vendor has none.

Sec. 6369. Claims under civil process shall be enforced against the secretary of state as garnishee or trustee by action in the usual form, and claims for satisfaction of fines and penalties under the penal statutes of this state shall be enforced by the judge or clerk of any court in which proceedings for the enforcement of any such fine or penalty may be pending, notifying said secretary of state in writing over his official signature, of the pendency of said proceedings, and of the final judgment, when obtained, together with the amount of the fine or penalty imposed in said judgment, and it shall be the duty of such judge or clerk to notify the secretary of state as hereinbefore provided, upon application of the complaining witness in any proceeding such as that hereinbefore described, or of the prosecuting officer conducting such proceeding. Claims upon each deposit shall be satisfied after judgment in the order in which notice of the claim is received by the secretary of state, until such claims are satisfied, or the deposit exhausted; but notices filed after the expiration of such sixty days' limit shall not be valid. A deposit shall not be paid by the secretary of state to licensees as long as there are outstanding claims or notices of claims against it, unless there is unreasonable delay in enforcing them.

Secretary of
state is trustee.

Order of payments.

Sec. 13166. Whoever, being an itinerant vendor as designated and described by law, sells or exposes for sale, goods, wares, merchandise, or articles of wearing apparel, without having the state and local licenses as required by law, and whoever, as principal or agent, advertises such sale, by circular, hand-bill, newspaper or otherwise before such licenses are issued, shall be fined not less than two hundred dollars nor more than one thousand dollars or imprisoned not more than six months, or both.

Penalty.

Sec. 13167. Whoever, being an itinerant vendor as described and designated by law, makes a false statement in an original or supplementary application for the state license required by law, or fails to comply with the other requirements of law as to itinerant vendors, shall be fined not less than two hundred dollars nor more than one thousand dollars, or imprisoned not more than six months, or both.

Penalty.

SECTION 2. That said original sections 6357, 6361, 6366, 6369, 13166 and 13167 of the General Code, be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 13th, 1910.

JUDSON HARMON,

Governor.
157.

[House Bill No. 365.]

AN ACT

To amend section 11234 of the General Code relating to limitation of time for bringing action.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 11234 of the General Code be amended to read as follows:

Action, time
for bringing

Sec. 11234. If the laws of any state or country where the cause of action arose limits the time for the commencement of the action to a less number of years than do the statutes of this state in like causes of action then said cause of action shall be barred in this state at the expiration of said lesser number of years.

SECTION 2 That said original section 11234 of the General Code be and the same is hereby repealed.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed May 10th, 1910.

Approved May 13th, 1910.

JUDSON HARMON,

Governor.

157.

[House Bill No. 343.]

AN ACT

To amend section 10617 of the General Code, relating to whom letters of administration shall be granted; on application.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 10617 of the General Code, be amended so as to read as follows:

Administra-
tion of estates.

Sec. 10617. Administration of the estate of an intestate shall be granted to persons hereinafter mentioned, residents of this state, in the following order:

1. The husband or widow of the deceased;

2. One or more of the next of kin of the deceased. The court may grant letters of administration jointly to the husband or widow and one or more of such next of kin, and upon failure of the person or persons so entitled to administer the estate voluntarily, either to take or renounce such administration, if resident within the county, they must be cited by the court for that purpose;

Incompetency.

3. If the persons so entitled to administration are incompetent, or evidently unsuitable for the discharge of the trust, or if without sufficient cause they neglect to take administration of the estate, the court shall commit it to

one or more of the principal creditors, if there be any competent and willing to undertake the trust;

4. If there be no such creditor, and the court is satisfied the estate exceeds the value of one hundred dollars, it shall commit administration to such other person as it deems fit. Letters of administration shall not be issued upon the estate of an intestate until the person to be appointed has made and filed an affidavit that there is not, to his knowledge, a last will and testament of such intestate. Before being appointed executor or administrator, every person shall make and file an application under oath, which must contain the names of husband or widow and all the next of kin of the deceased to such person known, their post-office addresses if known, and also a statement in general terms as to what the estate consists of and the probable value thereof, and also a statement of any indebtedness the deceased had against such person making said application.

Affidavit as to
last will.

SECTION 2. That said original section 10617 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 13th, 1910.

JUDSON HARMON,

Governor.
158.

[House Bill No. 344.]

AN ACT

To punish the making or use of false statements to obtain property or credit.

Be it enacted by the General Assembly of the State of Ohio:

Section 13105-1. SECTION 1. Whoever knowingly makes or causes to be made, either directly or indirectly, or through any agency whatsoever, any false statement in writing, with intent that it shall be relied upon, or, knowing that a false statement in writing has been made by another with such intent, respecting the financial condition, property indebtedness, means, or ability to pay, of himself or any other person, firm or corporation, in whom or which he is interested or for whom or which he is acting, and upon the faith thereof he or some other person acting for or in collusion with him or with his knowledge, procures in any form whatsoever, either the delivery of personal property, or chose in action, the payment of money, the making of a loan or credit, the extension of a credit, the discount of an account receivable, or the making, acceptance, discount or endorse-

False state-
ments.

Penalty.

The sectional numbers on the margin hereof are designated as provided by law.
U. G. DENMAN,
Atty. Gen.

ment of a bill of exchange, promissory note or other commercial paper, either for the benefit of himself, or such person, firm or corporation, shall, if the value of the thing or amount of the loan, credit or benefit procured in thirty-five dollars or more, be deemed guilty of a felony, and be fined not more than one thousand dollars or imprisoned in the Ohio penitentiary not more than six years or both, or if the value be less than that sum, be deemed guilty of a misdemeanor, and be fined not more than one hundred dollars or imprisoned in the county jail or work-house not more than six months, or both.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 13th, 1910.

JUDSON HARMON,

Governor.
159.

[House Bill No. 340.]

AN ACT

To amend section 5023 of the General Code relating to the printing and binding of ballots.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5023 of the General Code be amended so as to read as follows:

Ballots.

Sec. 5023. The ballots shall be printed on the same leaf with a double stub and separated therefrom by a perforated line and shall be bound with the stub attached thereto in books or blocks, one for each voting precinct, which book or block shall contain at least twenty-five per cent. more ballots than there were votes cast at such precinct at the preceding general election. Upon the covers of such books or blocks shall be printed the designation of the precinct for which the ballots have been prepared.

SECTION 2. That said original section 5023 of the General Code be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 13th, 1910.

JUDSON HARMON,

Governor.
160.

[House Bill No. 292.]

AN ACT

To amend section 3375 of the General Code relating to the performance of two days' labor on the public highways.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3375 of the General Code, be amended to read as follows:

Sec. 3375. Except honorably discharged soldiers who served in the United States army during actual war, pensioners of the United States government, acting and contributing members of companies, troops and batteries of the Ohio National Guard during membership, and members of a fire engine, hook and ladder, hose or other company, for the extinguishment of fire or the protection of property at fires, under the control of the corporate authorities of any municipal corporation or township outside of municipal corporation who receives no pay for their services as such acting members, all male persons between the age of twenty-one and fifty-five years, able to perform or cause to be performed the labor herein required, shall be liable annually, to perform two days' labor on the highways, under the direction of the road superintendent of the road district in which he resides.

Exceptions as
to highway
labor.

SECTION 2. That section 3375 of the General Code be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 13th, 1910.

JUDSON HARMON,

Governor.
161.

[House Bill No. 307.]

AN ACT

To amend section 8324 of the General Code for the protection of mechanics, laborers and material men.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 8324 of the General Code, be amended so as to read as follows:

Sec. 8234. Any sub-contractor, material man, laborer or mechanic, who has performed labor or furnished material, fuel, or machinery, who is performing labor or furnishing material, fuel or machinery, or is about to perform labor, or furnish material, fuel, or machinery, for the construction, alteration, removal, or repair of any property,

Mechanic's
lien.

Time for fil-
ing state-
ment.

Registered
mail.

appurtenance or structure, described in sections eighty-three hundred and eight and eighty-three hundred and sixteen, or for the construction, improvement or repair of any turn-pike, road improvement, sewer, street or other public improvement, or public building provided for in a contract between the owner, or any board, officer or public authority and a principal contractor, and under a contract between such sub-contractor, material man, laborer or mechanic and a principal contractor or sub-contractor, at the time of beginning to perform such labor or the delivery of the fuel or machinery, or at any time, not to exceed four months from the performance of the labor or the delivery of the machinery, fuel or material, may file with the owner, board or officer, or the authorized clerk or agent thereof, a sworn and itemized statement of the amount and value of such labor performed, and to be performed, material, fuel or machinery furnished, containing a description of any promissory note or notes that have been given by the principal contractor or sub-contractor on account of the labor, machinery or material, or any part thereof, with all credits and set-offs thereon, and proof that the sworn and itemized statement above provided for was mailed by registered letter to the address of the owner, board or officer, shall be taken as prima facie evidence of the filing thereof with the owner, board or officer, as herein provided.

SECTION 2. That said original section 8324 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 13th, 1910.

JUDSON HARMON,
Governor.
162.

[Senate Bill No. 148.]

AN ACT

To supplement section 12384 of the General Code, by an additional section relating to workhouses in municipalities,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 12384 of the General Code be supplemented by a section to be known as section 12384-1 as follows:

Workhouse
agreement.

Sec. 12384-1. In any county which has no workhouse, but contains a city which has a workhouse maintained by such city, it shall be competent for the commissioners of such county to agree with the director of public safety of

such municipality, upon terms and conditions upon which persons convicted of violations of said laws shall be maintained in such city workhouse at the expense of such county. In any such case persons committed to such city workhouse for the violation of any law of the state of Ohio, whether such commitment be from a court of common pleas or from a police court, mayor's court or magistrate's court, the cost and expense of maintaining such person so committed shall be paid out of the general fund of the county, on the allowance of the county commissioners; provided, however, that all persons committed to any such city workhouse for the violation of any ordinance of such municipality shall be maintained in such workhouse at the sole cost of such municipality.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.
 Approved May 16th, 1910.

JUDSON HARMON,
Governor.
 163.

[Senate Bill No. 250.]

AN ACT

To provide for the appointment of a commission to inquire into the question of employers' liability and other matters.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the governor of this state is hereby authorized and directed to appoint a commission to consist of five electors of the state known to possess knowledge and training in the subject of employers' liability laws and compensation of employes for injuries received in the course of employment, two of such commission so appointed by the governor shall be representatives of the employers of labor, two representatives of labor, and one an attorney-at-law. It shall be the duty of the commission so appointed by the governor, the senate and the house to make an inquiry, examination and investigation into the subject of a direct compensation law or a law affecting the liability of employers to employes for industrial accidents.

Employers'
 liability
 commission;
 appointment,
 etc.

SECTION 2. That the members of such commission shall serve without compensation, except that each shall be entitled to his actual and necessary expenses incurred in the performance of his duties under the provisions of this act.

No compen-
 sation.

SECTION 3. That for the purpose of its investigations the commission or any member or sub-committee thereof is hereby authorized to visit different states and localities in the United States, to send for persons and papers,

Powers and
 duties.

to investigate the laws of other states and countries, to administer oaths and to examine witnesses, and papers respecting all matters pertaining to the subjects referred to in this act, to purchase books and supplies and to employ and pay all necessary assistants.

SECTION 4. That the expenses incurred by the commission and its employes shall be paid upon the presentation of proper itemized vouchers signed by the chairman of the commission and approved by the governor.

SECTION 5. That the commissioner of labor is hereby directed to co-operate with the commission and to render it any proper aid and assistance by the department of labor as in his judgment will not interfere with proper conduct of his department.

Organization.

SECTION 6. The commission herein authorized to be appointed shall organize by the election of a chairman and secretary and shall submit a full report of its work and findings to the general assembly at the opening of its next regular session and shall include therein its recommendations for legislation, together with such bill or bills providing for the speedy remedy for employes for injuries received in the course of their employment, as will be fair, just and reasonable both to employers and employes.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed May 10th, 1910.

Approved May 17th, 1910.

JUDSON HARMON,

Governor.
164.

[Senate Bill No. 211.]

AN ACT

To amend section 3670 of the General Code relative to the issuing of licenses, and to provide for the licensing of manicures, masseurs and chiropodists.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3670 of the General Code be amended so as to read as follows:

Licenses.

Sec. 3670. To regulate and license manufacturers and dealers in explosives, pawnbrokers, chattel mortgage and salary loan brokers, peddlers, public ballrooms, scavengers, intelligence offices, billiard rooms, bowling alleys, livery, sale and boarding stables, dancing or riding academies or schools, race courses, ball grounds, street musicians, second hand dealers, junk shops and all persons engaged in the trade, business or profession of manicuring, massaging or chiropody. In the granting of any license a municipal corporation may exact and receive such sums of money as the council shall deem proper and expedient.

Manicuring,
etc.

SECTION 2. That said original section 3670 of the General Code be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 17, 1910.

JUDSON HARMON,
Governor.
 166.

[Senate Bill No. 90.]

AN ACT

To amend section 12970 of the General Code relating to torturing and neglecting children.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That said section 12970 of the General Code be supplemented by the enactment of sections 12970-1 and 12970-2 to read as follows:

Sec. 12970-1. When such person is convicted, sentenced and confined in a workhouse, the county from which he is so convicted, sentenced and confined, upon the warrant of the county auditor of such county, and out of the general revenue fund thereof, shall pay monthly forty cents (40c) for each day he is so confined, to a trustee to be appointed by the court imposing such sentence, to be expended for the maintenance of such child or children under sixteen years of age.

Workhouse
 provisions.

Trustee for
 children.

Sec. 12970-2. Any humane society incorporated and existing under the laws of this state, or any other suitable person, being willing to render such services without compensation, may be appointed by the court as such trustee for the benefit of such child or children. The court may require such trustee to enter into a good and sufficient bond for the faithful performance of the duties so imposed.

Bond.

When a person is sentenced and confined in a workhouse as herein provided, the name and postoffice address of the trustee so appointed by the court shall appear in the mittimus.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 17th, 1910.

JUDSON HARMON,
Governor.
 167.

[Senate Bill No. 237.]

AN ACT

To amend sections 7965, 2615, 2616 and 2622 of the General Code, to provide and require the general use of standard weights and measures in Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 7965, 2615, 2616 and 2622 of the General Code be amended so as to read as follows:

Sec. 7965. The state dairy and food commissioner shall be state sealer. The standards of weights and measures adopted by the state shall be deposited in a suitable room at Columbus, and be by him kept in suitable cases, to be opened only for the purpose of comparing with such standards the copies which by law are furnished for the use of several counties, cities or villages, unless by joint resolution of the general assembly, or upon a call of either house for information, or by order of the governor for scientific purposes. The state dairy and food commissioner shall, upon the passage of this act, and once every three years thereafter, require each county auditor and city or village sealer, in this state, to present all standards of weights and measures in their possession to him for comparison with the standards adopted by the state, and the dairy and food commissioner shall condemn and destroy all of such standards as do not conform with the standards adopted by the state. Each county auditor and each city and village sealer shall be required to procure copies of all the original standards adopted by the state named in section seven thousand, nine hundred and sixty-six of the General Code, except such standards now in their possession as the state dairy and food commissioner shall find to conform with the standards adopted by the state. It shall be the duty of the state dairy and food commissioner to advise and assist all county, city and village sealers, and generally be charged with the enforcement of all laws relating to weights and measures, and in the performance of such duties he may use the services of any persons employed under his department. The state dairy and food commissioner or any person employed by him for that purpose may try and prove any weights, measure, balance and any other weighing or measuring device, on request from any person, and when the same are found or made to conform to the state standards shall cause the same to be sealed and marked, as provided in section two thousand six hundred and sixteen of the General Code.

Sec. 2615. By virtue of his office, the county auditor shall be county sealer of weights and measures and shall be responsible for the preservation of the copies of the original standards delivered to his office. It shall be the duty of the county auditor to see that all state laws relating to weights and measures be strictly enforced through-

out his county and to assist generally in the prosecution of all violations of such laws.

Sec. 2616. The county sealer shall compare all weights and measures, brought to him for that purpose, with the copies of standards in his possession. When they are made to conform to the legal standards, the officer comparing them shall seal and mark such weights and measures. No weight, measure, balance or other weighing or measuring device shall be used or maintained for weighing and measuring in this state unless such weight, measure, balance or other weighing or measuring device has been sealed or marked by the state dairy and food commissioner, or any employee of said commissioner detailed for that purpose, or by the county sealer or by the sealer of the city or village in which the same is used or maintained, by stamping upon each the letter "O" and the last two figures of the year in which it has been compared with legal standards, adjusted and found or made to conform to said standards, with seals to be provided by said dairy and food commissioner for that purpose. Whoever violates any of the provisions of this section shall be fined not less than fifty dollars nor more than one hundred dollars for the first offense and for each subsequent offense shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned for not more than ninety days or both. A justice of the peace, police judge or mayor shall have final jurisdiction in such cases as in cases of violation of law relating to the adulteration of food and drink and dairy products.

Duty of
county sealer.

Stamp.

Sec. 2622. Each county sealer of weights and measures shall appoint by writing under his hand and seal, a deputy who shall compare weights and measures brought to the office of the county sealer for that purpose, with the copies of the original standards in the possession of the county sealer, who shall receive for the performance of that duty, the compensation in each case provided by law. Such deputy shall also be employed by the county sealer to assist in the prosecution of all violations of laws relating to weights and measures.

Deputy county
sealer.

SECTION 2. That said original sections 7965, 2615, 2616 and 2622 of the General Code be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 17, 1910.

JUDSON HARMON,

Governor.
168.

[Senate Bill No. 144.]

AN ACT

To supplement section 3699 of the General Code relating to leasing municipal property.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3699 of the General Code be supplemented by a section to be known as section 3699-1 as follows:

Municipal
leases.

Sec. 3699-1. All municipal corporations shall have power to construct, maintain, use and lease, or grant the right to construct, maintain and use, any pier, dock, wharf or landing for use by passenger or freight carriers, with buildings and appurtenances necessary to such use, on any land belonging to the corporation, and on and over any made or submerged land, whose title is in the corporation or the state of Ohio, in front of land belonging to the corporation. All municipal corporations shall also have power to construct, maintain, use and lease, or grant the right to construct, maintain and use, on and over any land belonging to the corporation and such made or submerged land, any steam, electric or street railroad tracks and appurtenances, necessary for the use of any pier, dock, wharf or landing as aforesaid. Such lease or grant may be made by the passage of an ordinance fixing its terms and conditions and by the acceptance thereof by the lessee or grantee. Land belonging to the corporation shall be construed to include also any land heretofore or hereafter appropriated or held by the corporation for streets, parks or other public purpose; but this section shall not be construed to authorize the taking of reversionary or other property rights without such compensation and proceedings as are authorized by law.

Terms, fixed
by ordinance.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 17, 1910.

JUDSON HARMON,
Governor.
169.

[Senate Bill No. 210.]

AN ACT

To amend sections 7902 and 7919 of the General Code relating to municipal universities, colleges or institutions and to give the board of directors of a municipal university the power to lease and convey.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 7902 and 7919 of the General Code be amended so as to read as follows:

Sec. 7902. As to all matters not herein or otherwise provided by law, the board of directors of a municipal university, college or institution, shall have all the authority, power and control vested in or belonging to such municipal corporation as to the sale, lease, management and control of the estate, property and funds, given, transferred, covenanted or pledged to such corporation for the trusts and purposes relating thereto and the government, conduct and control of such university, college or institution. It may, unless prohibited by the terms of the trust under which such estate or property is held, sell, or lease perpetually or for any less period and with or without a privilege of purchase at a fixed price, any part or the whole of any such estate or property, and on sale, or on an election to purchase under a lease containing a privilege to purchase as aforesaid, convey or transfer such estate or property, and if heretofore any lease with a privilege of purchase at a fixed price shall have been executed and delivered by said board, or any board preceding it in office, for any part or the whole of any such estate or property, said board shall on an election to purchase under such lease convey such premises. All instruments affecting real estate shall be executed on behalf of the board by such of its officers as it shall designate by resolution, authorizing the execution of such instrument and all deeds so executed shall convey all the title of said board and of such municipal corporation in and to the real estate so conveyed; it may appoint a clerk and all agents proper and necessary for the care and administration of the trust property and the collection of the income, rents and profits thereof; appoint the president, secretaries, professors, tutors, instructors, agents and servants, necessary and proper for such university, college or institution and fix their compensation; provide all the necessary buildings, books, apparatus, means and appliances, and pass such by-laws, rules and regulations concerning the president, secretaries, professors, tutors, instructors, agents and servants, and the admission, government and tuition of students as it deems wise and proper, and by suitable by-laws, delegate and commit the admission, government, management and control of the students, courses of studies, discipline and other internal affairs of such university, college or institution to

Municipal university; powers of directors.

Deeds.

By-laws.

a faculty which the board appoints from among the professors.

Investments.

Sec. 7919. Such board may invest any part of the funds belonging to or set apart for the use of such university, college or institution or to any department thereof, as it from time to time deems proper in bonds of the United States, or of the state of Ohio, or of any municipal corporation of this state, or any county, or school district herein, or in any other bonds or first mortgage securities approved by it, and may use any funds, including those arising from sales of any property sold under section seventy-nine hundred and two hereof, (provided the terms of the trust do not prohibit such use), in the improvement of any real or leasehold estate belonging either to the particular trust of which the property sold was part or to any other trust under its control and management; or in the improvement of any real or leasehold estate set apart for the use of such university, college or institution.

SECTION 2. That said original sections 7902 and 7919 of the General Code be and the same are hereby repealed.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed May 10, 1910.

Approved May 17, 1910.

JUDSON HARMON,

Governor.

170.

[Senate Bill No. 104.]

AN ACT

To amend section 3323 of the General Code providing for the deposit of township funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3323 of the General Code be amended so as to read as follows:

Sec. 3323. In a township in which but one bank is located, and the location thereof is convenient to the township treasurer, the funds of the township shall be deposited in such bank at a rate of interest not less than two per cent. on the average daily balance, but when the trustees have reason to believe that such bank is not a safe depository, or when the location thereof is inconvenient to the township treasurer, or when such bank refuses to pay at least two per cent. interest, or where there are two banks in a township and either one or both refuse to pay at least two per cent. interest on such deposits, or in a township in which no bank is located, after the adoption of a resolution providing for the deposit of its funds, the trustees may enter into contract with one or more banks

Minimum interest on township funds.

within the county, or in a county adjacent to the county of which the township is a part, that are conveniently located and which offer the highest rate of interest on the average daily balance, and which in no case be less than two per cent. for the full time the funds are on deposit.

SECTION 2. That said original section 3323 of the General Code be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 17, 1910.

JUDSON HARMON,
Governor.
171.

[Senate Bill No. 204.]

AN ACT

To supplement section 6331 of the General Code by enacting section 6331-1, relating to the adulteration of turpentine.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6331 of the General Code be supplemented by enacting section 6331-1 as follows:

Sec. 6331-1. No person, firm or corporation shall manufacture, mix for sale, sell, or offer for sale, for other than medicinal purposes, under the name of turpentine, or spirits of turpentine, or any compounding of the word turpentine, or under any name or device illustrating or suggesting turpentine, or spirits of turpentine, any article which is not wholly distilled from rosine, turpentine gum, or scrape from pine trees, and unmixed and unadulterated with oil, benzine or any other foreign substance of any kind whatsoever, unless the package containing same shall be stenciled or marked, with letters not less than two inches high, adulterated spirits of turpentine. Nothing herein contained shall be construed as prohibiting the manufacture or sale of any such compound or imitation, providing the container shall be plainly marked, and the purchaser notified, as aforesaid.

Stencil or
mark.

SECTION 2. This act shall be in force and take effect on and after July 1st, 1910.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 17, 1910.

JUDSON HARMON,
Governor.
172.

[Senate Bill No. 200.]

AN ACT

To amend section 4140 of the General Code relating to the control of workhouses erected jointly by a city and the county.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4140 of the General Code be amended to read as follows:

Workhouses.

Sec. 4140. In cities, such workhouse shall be managed and controlled by a joint board composed of the county commissioners and the board of control of the city, and in villages by the county commissioners and the board of trustees of public affairs. Such joint board shall have all the powers and duties in the management, control and maintenance of such workhouse as are conferred upon the director of public safety in cities, and in addition thereto the joint board may construct sewers for such workhouse and pay therefor from funds raised by taxation for the maintenance of such institution. The board may lease or purchase suitable property and buildings for a workhouse, or real estate, for the purpose of erecting and maintaining a workhouse thereon, but it shall not expend more than ten thousand dollars for any such purpose unless the amount be approved by a majority of the voters of the county, exclusive of the municipality voting at a general election.

Powers of
joint board.

SECTION 2. That said original section 4140 of the General Code be and the same is hereby repealed.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed May 10, 1910.

Approved May 17, 1910.

JUDSON HARMON,

Governor.
173.

[Senate Bill No. 179.]

AN ACT

To supplement section 12996 of the General Code relating to restricting the employment of boys in messenger service at night.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 12996 of the General Code be supplemented so as to read as follows:

Sec. 12996-1. Whoever, having charge or management of a telephone, telegraph or messenger office or com-

pany, employs a boy under the age of eighteen years to work as a messenger in connection with such office or company before the hour of six o'clock in the morning or after the hour of nine o'clock in the evening of any day, shall be fined not less than twenty-five dollars nor more than fifty dollars.

Age of night messengers.

Penalty.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.
Approved May 17, 1910.

JUDSON HARMON,
Governor.
174.

[Senate Bill No. 174.]

AN ACT

To supplement section 3647 of the General Code relating to the authority of municipal corporations to drain lands of stagnant water.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3647 of the General Code be supplemented by a section to be known as section 3647-1 as follows:

Sec. 3647-1. To cause any lot or land within the corporate limits on which water at any time accumulates and becomes stagnant, in a way prejudicial to the public health, convenience or welfare, by reason of not having natural drainage outlet, or which can not be drained by natural channels, to be drained by artificial means at the expense of the corporation. In case such drainage is beneficial to the owner of any lot or land so drained, then the owner of said lot or land shall bear that part of the expense of said drainage in proportion to the benefits which may result from the improvement in accordance with the provision for assessment as contained in section thirty-eight hundred and twelve of the General Code.

Drainage, in municipal corporations.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.
Approved May 17, 1910.

JUDSON HARMON,
Governor.
175.

[Senate Bill No. 168.]

AN ACT

To supplement section 3812 of the General Code relating to assessments for service connections.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3812 of the General Code be supplemented by a section to be known as section 3812-1 as follows:

Service con-
nections.

Service of
notice.

Penalty.

Sec. 3812-1. The director of public service in cities and council in villages shall have authority to compel the making of sewer and water connections as hereinafter provided. Whenever said director in cities or council in villages deems it necessary in view of contemplated street paving or as a sanitary regulation that sewer or water connections or both be constructed, said director in cities or council in villages shall cause written notice thereof to be given to the owner of each lot or parcel of land to which such connections are to be made, which notice shall state the number and character of connections required. The director of public service in cities and council in villages shall appoint some competent person to serve said notice in the manner provided for the service of summons in civil actions and the report of the person serving said notice or a certified copy thereof shall be prima facie evidence of the service of the notice as therein stated; provided that if any of said owners be non-residents of the corporation or cannot be found, such notice may be given publication twice in one or more newspapers of general circulation in the municipality. If said connections are not constructed within twenty days of such service of notice or day of first publication thereof, as the case may be, the same may be done by the city and the cost thereof, together with a penalty of five per cent. (5%), assessed against the lots and lands for which such connections are made and said assessments shall be certified and collected as other assessments for street improvements. No property owner shall be required to construct such connections further from the street main or sewer than the inner line of the curb. Assessments for such connections, whether levied under authority of this act or section thirty-eight hundred and twelve of the General Code shall not be subject to the limitations prescribed in sections thirty-eight hundred and nineteen, thirty-eight hundred and twenty, thirty-eight hundred and twenty-one and thirty-eight hundred and twenty-two.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed May 10, 1910.

Approved May 17, 1910.

JUDSON HARMON,

Governor.

AN ACT

To amend sections 4515 and 4516 of the General Code relating to competitive bidding by banks for the deposits of moneys in control of the trustees of sinking funds of municipal corporations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4515 and 4516 of the General Code be amended so as to read as follows:

Sec. 4515. At least once every three years the trustees of the sinking fund shall advertise for proposals for the deposit of all sums held in reserve and shall deposit such reserve in the bank or banks, incorporated under the laws of this state or of the United States, situated within the county, which offer, at competitive bidding, the highest rate of interest and best security and accommodation and give a good and sufficient bond issued by a surety company authorized to do business in this state, or furnish good and sufficient surety in a sum not less than twenty per cent. in excess of the maximum amount at any time to be deposited. There shall not be deposited in any one bank an amount in excess of the paid-in capital stock and surplus of such bank, or to exceed in amount four hundred thousand-dollars except when such moneys are deposited for the purpose of meeting the payment of some obligation.

Competitive
bidding.

Maximum
amount.

Sec. 4516. The trustees of the sinking fund shall determine the method by which such bids shall be received, the authority which shall receive them, the sufficiency of the security offered, the time for the contracts for which deposits of public money may be made and all details for carrying into effect the authority here given, but proceedings in connection with such competitive bidding and the deposit of money shall be conducted in such manner as to insure full publicity and shall be open at all times to the inspection of any citizen. As to deposits made under this authority, neither the trustees of the sinking fund nor their bondsmen, if such trustees of the sinking fund have exercised due care, shall be liable for any loss occasioned thereby.

Publicity.

SECTION 2. That sections 4515 and 4516 be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 17, 1910.

JUDSON HARMON,
Governor.
177.

AN ACT

To amend sections 3568, 3569, 3570 and 3571 of the General Code to provide for the submission of the question of the annexation of municipal corporations upon petition of electors.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3568, 3569, 3570 and 3571 of the General Code, be amended so as to read as follows:

Annexation.

Sec. 3568. The submission shall be by ordinance adopted by the council of each corporation at least thirty days prior to an annual election, at which election the vote shall be taken. If there shall be presented to the council of a municipality proposed to be annexed to an adjoining or contiguous municipality a petition asking for the submission of the question of annexation to a vote signed by twenty-five per cent. or more of the resident electors of the territory to be annexed, and there shall accompany said petition a certificate duly verified by oath from the clerk of the board of deputy state supervisors and inspectors of election or from the clerk of the board of deputy state supervisors of election of the county in which said municipality is located, to the effect that the petition contain twenty-five per cent. or more of the resident electors of the territory to be annexed, based upon the number of votes cast at the last municipal election in said territory, the councils of both said municipalities shall order the question of annexation to be submitted to a vote at the next general election, whether state, county, or municipal, occurring more than sixty days after the filing of such petition. Each ordinance shall prescribe the manner in which the submission shall be made and shall be published in each corporation by posters or otherwise, for the period of at least twenty days prior to the time fixed for the election in such manner as the council deems most expedient.

Ordinances:
what to pre-
scribe.

Duty of com-
missioners.

If, upon the presentation of said petition so signed together with the certificate of the clerk of the board of deputy state supervisors and inspectors of election, the council of the municipality proposed to be annexed, shall, for twenty days after the presentation of said petition and certificate, fail to pass the necessary ordinance for the purpose of causing a submission of the question of annexation to a vote of the electors of said municipality, then, upon the presentation of a copy of said petition and certificate to the county commissioners of the county in which said municipality is situated, it is hereby made the duty of said commissioners to cause the question of annexation of the said municipality to be submitted at the next general election whether state, county or municipal, occurring more than sixty days after the presentation of said petition and certificate, by passing a resolution directing the submission

of the question of annexation of said municipality at which election a vote shall be taken upon the question of annexation and the resolution shall prescribe the manner in which such submission shall be made. And in the event of the county commissioners causing the question to be submitted to the electors of the municipality proposed to be annexed, the council of the municipality to which it is proposed to annex said territory shall pass the necessary ordinance as directed by this act for the purpose of submitting the question of annexation to the electors of the municipality to which it is proposed to annex.

Sec. 3569. If a majority of the electors of each corporation, voting on the question so submitted, is in favor of annexation, the council of each shall thereupon cause the result to be certified to the other corporation. If the council of the municipality proposed to be annexed does not within twenty days after the election cause the result to be certified to the other municipality it is hereby made the duty of the county commissioners of the county in which such municipality is located to certify the result to such municipality.

Sec. 3570. The council of each corporation shall then appoint, by resolution or ordinance, three commissioners to arrange the terms and conditions of annexation, and report the result of their action to the council of their respective corporations. And if the council of the municipal corporation proposed to be annexed shall fail to appoint such commission within thirty days from the time the result of the election is certified, then the county commissioners of the county in which said municipal corporation, is situated shall appoint such commissioners for said municipal corporation, and the duties of the commissioners thus appointed shall be the same as those of commissioners appointed by the council except that they shall make their report to the county commissioners.

Terms and conditions.

Sec. 3571. When the report of the commissioners is approved by ordinances passed by each corporation, certified copies thereof, signed by the presiding officer of the council and the respective auditors or clerks of each corporation, and authenticated by the corporate seal of each, if any there be, shall be filed in the office of the auditor or clerk of the corporation to which annexation is proposed to be made. Should the council of the municipal corporation proposed to be annexed fail, for a period of three consecutive weeks after the report of the commissioners is filed with it, to approve the same, it is hereby made the duty of the county commissioners of the county in which said municipal corporation is located to act for said corporation and they are hereby, for that purpose invested with all the powers conferred upon the council in this section and in the event that the report is made to the county commissioners as provided in the next preceding section, then said county commissioners are authorized to approve said

Report of commissioners, approval, etc.

report by resolution; provided further that when any municipal corporation is annexed, all contracts existing and in force in any form as valid and subsisting obligations upon any such municipal corporation at the time such annexation is consummated, shall not extend beyond the original limits of such annexed municipal corporation by virtue of such annexation.

Existing contracts.

SECTION 2. That said original sections 3568, 3569, 3570 and 3571 of the General Code, be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 17, 1910.

JUDSON HARMON,
Governor.
178.

[House Bill No. 580.]

AN ACT

Authorizing the county commissioners of Harrison county, Ohio, to pay W. E. Crowl the sum of three hundred and nine dollars and twenty cents (\$309.20), being the amount due for building a bridge for said county by said Crowl, the payment of which has been delayed through a technicality not arising from the fault of said Crowl.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of Harrison county, Ohio, be and are hereby authorized and directed to pay to W. E. Crowl, the sum of three hundred and nine dollars and twenty cents (\$309.20), with interest thereon from the date said amount was due until the same shall have been paid.

W. E. Crowl.

SECTION 2. Upon the order of said commissioners the auditor is hereby authorized and directed to issue his warrant for said amount upon the county treasurer, and said treasurer is hereby authorized and directed to pay to the said W. E. Crowl from any funds not otherwise appropriated, upon presentation of said warrant.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 17, 1910.

JUDSON HARMON,
Governor.
179.

[Senate Bill No. 150.]

AN ACT

To provide for the laying out, construction, repair, or improvement of any public road or any part thereof, and for the straightening, widening, or altering, and draining of the same by the county commissioners.

Be it enacted by the General Assembly of the State of Ohio:

Sec. 6956-1. The board of commissioners of any county shall have power as hereinafter provided to lay out and construct, repair, or improve any public road, or any part thereof, by grading, paving, graveling or macadamizing or by the use of other suitable material; and also to straighten, widen or alter the same; and to provide sufficient drainage therefor.

Roads; laying out, constructing, etc.

Sec. 6956-2. When a majority of the owners of real estate who reside within the county and who own lands lying and being within one mile in any direction from either side, end or terminus of the road or part thereof to be laid out, constructed or improved shall present a petition to the commissioners of any county in the state asking for the laying out, construction, repair, improvement or alteration of any public road or part thereof and upon the filing of a bond in such an amount and with such security as the county commissioners shall deem sufficient, conditioned for the payment of the cost and expense of the preliminary survey, the county commissioners shall go upon the line of said road or part thereof or such proposed road, and if in the opinion of the county commissioners it seems that the public utility and convenience require such road to be laid out, constructed, repaired, improved, altered, straightened, or widened as petitioned for, the commissioners shall determine the route and termini of such road, if the petition is for the laying out of a new road, the kind and extent of the improvement or repairs and what alterations in the line or change of grade of said road, if any, should be made, and at the same time the commissioners shall appoint the county surveyor as engineer to go upon the line of such road or proposed road, and make such surveys, plats, profiles, estimates and specifications as the commissioners shall order; provided that in locating such road and road improvements within the territorial limits of any municipality the county commissioners shall be confined to the platted streets of such municipality.

Petition.

Surveys, plats, etc.

Sec. 6956-3. When the road or any part thereof proposed to be laid out and constructed, repaired, improved, straightened, widened or altered is in more than one county, or along the county line between two or more counties in this state, and a majority of the owners of real estate who reside within such counties and who own lands lying and being within one mile in any direction from either side, end or terminus of such proposed road or road im-

Road in two or more counties.

provement shall present the petition and give the bond provided for in section two of this act to the commissioners of any such county the commissioners of the county to whom the said petition is first presented shall file a certified copy of such petition and bond with the commissioners of each of the counties in which the proposed road is to be laid out, constructed, repaired, improved, straightened, widened or altered. The several boards of county commissioners of such county shall thereupon go upon the line of such proposed road or road improvement at a time to be agreed upon by the boards and shall act jointly (in the same manner and form as though they were one and the same board) as provided in the preceding section. The counting of the signatures on the petition of residents of their respective counties may be done separately or jointly at the will of the joint board, but a majority of all shall be sufficient for action thereon.

Joint action.

Sec. 6956-4. In determining the majority of the petitioners necessary to give the commissioners jurisdiction as hereinbefore provided, the following persons shall not be counted, viz: such resident land owners whose only real estate within the territorial bounds of said road, is located in a municipality, the owners of land contracts, the owners of life and lease hold estates, and minor heirs, unless represented by legal guardian, and when so represented the action of such guardian shall be binding upon minor heirs. All tenants in common of any undivided estate resident within the county shall be counted as a unit and if all are not united either for or against the improvement, none of such tenants in common shall be counted in determining such majority.

Action of guardian.

Sec. 6956-5. When the improvement is wholly within one county, upon the completion of such preliminary survey, the engineer appointed by the commissioners shall make an estimate of the cost and expense of such improvement and transmit the same to the board of county commissioners, together with a copy of the plat, profile, plans, estimates of quantities and specifications. The commissioners shall thereupon cause to be published in some newspaper printed and of general circulation within the county, once a week for three consecutive weeks, notice that such improvement is about to be made; that the plans, plats, profiles, specifications and estimates of quantities are on file in the office of the county commissioners for the inspection and examination of persons interested therein, of the time and place of hearing objections to the said improvement and claims for compensation for lands and property taken and damages sustained on account of or incident thereto, and that unless such claims are filed in writing with the commissioners on or before the time fixed for said hearing, same shall be waived. In the event that land and property are to be taken, such notice shall state what land and property are to be appropriated and the said notice

Publication of notice.

shall then be served personally ten days before the said hearing on the owner of said land and property resident within the county by giving him a copy of such notice or by leaving the same at his residence. If such owner is a non-resident of the county, said notice shall be made by publication as hereinbefore provided, and, if the residence of such owner is known, the commissioners shall also cause a copy of said notice to be deposited in the postoffice, postage prepaid, addressed to such owner at his last known place of residence. Proof of the notice herein required may be made by affidavit.

Notice to
non-resident.

Sec. 6956-6. When any road or part thereof proposed to be laid out, constructed, improved, repaired, straightened, widened or altered, is in more than one county or along the county line between two or more counties within the state, the engineer appointed by the joint board of commissioners as hereinbefore provided, upon the completion of the preliminary survey shall make an estimate of the cost and expense of such improvement and transmit the same to the boards of county commissioners of the several counties in which the proposed improvement is to be made, together with a copy of the plat, profile, plans, estimates of quantities, and specifications. The county commissioners of each of the said counties shall thereupon cause to be published in some newspaper printed and of general circulation in their respective counties once a week for three consecutive weeks' notice that such improvement is about to be made; that the plans, plats, profiles, specifications and estimates of quantities are on file in the office of the commissioners of the respective counties for the inspection and examination of persons interested therein, and of the time and place of hearing by the joint board of objections to the said improvement and claims for compensation for land and property taken and damages sustained on account of or incident thereto. In the event that land and property are to be taken a similar notice shall be served personally ten days before the said hearing on the owner of said land and property resident within the counties along the line of which said improvement is to be made by giving him a copy of such notice or by leaving the same at his residence. If such owner is non-resident of the county, said notice shall be made by publication as hereinbefore provided, and, if the residence of such owner is known, the commissioners shall also cause a copy of said notice to be deposited in the postoffice, postage prepaid, addressed to such owner at his last known place of residence. Proof of the service of the notice herein required may be made by affidavit.

Estimate of
cost.

Appropriation of
property.

Sec. 6956-7. All claims for damages sustained on account of or incident to the said improvement and claims for compensation for land and property taken shall be in writing setting forth the amount of the damages and compensations claimed together with a general description of

Damage
claims.

the property with respect to which it is claimed the injury will accrue, and shall be filed with the board of county commissioners of the county in which said land is situated on or before the time fixed for the hearing. Any owner except idiots, insane persons and minors who fails to file such claims within said time shall be deemed to have waived such claims and shall be barred from thereafter filing such claim for receiving compensation and damages. The board of county commissioners, or a joint board, in case of a joint county road improvement, upon actual view of the premises, shall fix and allow full compensation for land and property taken and assess such damages as will in their judgment accrue from the improvement to each person or corporation making application therefor as herein provided, and without such application, if idiots, insane persons or minors own lands and property taken or affected by the improvement. Such compensation shall be computed without deduction for benefits to the property. Any person feeling aggrieved by the compensation and damages allowed and awarded by the commissioners may appeal to the common pleas court of the county in which his land is situated and the same proceeding shall be there had and like orders and judgments rendered as are provided by section two thousand four hundred sixty-one of the General Code. The guardian of any minor, idiot or insane person may act for his ward and all his acts shall be binding upon the ward.

Appeal.

Sec. 6956-8. On the day appointed for said hearing or on the day to which said hearing may be adjourned, the commissioners or the joint board of commissioners, as the case may be, if in their judgment the public utility and convenience require said improvement to be made, and the cost and expense thereof will not be unreasonably great, shall order that the improvement be made and shall adopt the plans, profiles and specifications therefor.

Sec. 6956-9. After making such order for the improvement, the work shall be publicly let by the county commissioners, or the joint board, as the case may be, to the lowest responsible bidder, who shall enter into bond with good and sufficient sureties, or with a surety company of recognized standing in amount equal to fifty per cent. of the contract price, conditioned for the faithful performance of the work in accordance with the plans and specifications and within the time prescribed and conditioned also as a bond of indemnity against any damage that may be suffered or claimed from the performance of said work. Notice of such letting shall be first published once a week for three consecutive weeks in some newspaper, or two newspapers if deemed necessary, printed and of general circulation in the county, stating the nature and extent of the work and the time when said letting will be made and sealed bids received. The commissioners may let the work as a whole or in convenient sections as they may determine.

Bond.

The commissioners may require a bond, with security to their approval, certified check or cash from each bidder in such sums as the commissioners may determine, given or deposited on condition that if the contract be awarded to such bidder the bidder will enter into the contract and execute the said contract bond. No contract shall be let for more than the estimated cost of the improvement. The commissioners may, in their discretion, if no reasonable bid is made for the said work, refuse to accept any bid so made or to enter into such contract, but may re-advertise for bids. Whenever the improvement or part thereof is in two or more counties all of the original papers shall be kept on file in the county in which the original petition was filed and copies thereof be certified to by the commissioners of the county in which the original was filed shall be filed with the commissioners of each of the other counties in which the proposed improvement is to be made, and notice of the letting of the work shall be advertised in a newspaper printed and of general circulation in each of the counties, in the same manner as provided when the improvement is wholly within one county.

Rejection of
all bids.

Sec. 6956-10. When the improvement is wholly within one county, the cost and expense of said improvement including all damages and compensation awarded shall be apportioned by the commissioners as follows: Not less than thirty-five per cent. (35%) nor more than fifty per cent. (50%) thereof shall be paid out of the proceeds of any levy or levies upon the grand duplicate of all the taxable property of the county, or out of any funds available therefor, as provided in section 6956-14 of this act; not less than twenty-five per cent. (25%) nor more than forty per cent. (40%) thereof shall be paid out of the proceeds of any levy or levies upon the grand duplicate of the county levied upon the taxable property of any township or townships in which said improvement may be situated in whole or in part, as provided in section 6956-14 of this act; and the balance, which shall not be less than twenty per cent. (20%) nor more than thirty-five per cent. (35%) thereof shall be assessed upon and collected from the owners of real estate lying and being within one mile from either side, end or terminus of the improvement and assessed according to benefits derived from the improvement as determined by the commissioners. Such assessment shall be in addition to all other assessments authorized by law notwithstanding any limitations upon the aggregate amount of assessments on such property.

Apportion-
ment of cost.

Sec. 6956-11. When any part of the improvement is in more than one county or along the line between two or more counties, the cost and expense of the entire improvement including all damages and compensation awarded, shall be divided between the counties in which such improvement may be in the proportion the distance in such county bears to the whole distance improved, and the

Cost, when
road in two
or more
counties.

amount of expense so falling upon the several counties shall be assessed by the commissioners of said counties separately in the same manner and form as though the improvement was wholly in one and the same county, and in the proportion provided in the preceding section.

Publication
of notice
of assessment.

Sec. 6956-12. When the improvement lies wholly within one county, and as soon as the said improvement shall be completed the engineer shall make and report to the commissioners an assessment of the proportionate cost and expense as aforesaid upon the real estate to be charged therewith in proportion as nearly as may be to the benefits which may result from such improvement to the real estate so assessed which assessment shall be filed with the county commissioners and kept in their office for public inspection. Before adopting the assessment so made and reported the commissioners shall publish once a week for two consecutive weeks in some newspaper printed and of general circulation in the county notice that such assessment has been made and that the same is on file in the office of the county commissioners for inspection. If no objections are filed thereto one week after the last date of publication of said notice, the commissioners shall confirm the same, and if the owner of any real estate assessed objects to the assessment so made, he shall file his objections in writing with said commissioners within one week after the date of the last publication of said notice; and thereupon the commissioners shall appoint three disinterested freeholders of the county to act as an equalizing board, who shall meet at the county auditor's office at a time to be fixed by the county commissioners, with power to adjourn from time to time and who shall hear and determine all objections to said assessment, equalize the same, or approve the assessment already made as they shall deem just. They shall report their action to the said commissioners who shall confirm the same and said assessment when so confirmed shall be final. The members of said equalizing board shall each receive for his services as a member of said board the sum of four dollars (\$4.00) per day for each and every day so employed, to be paid out of the fund provided for said improvement and included as a part of the cost thereof. Such assessment shall thereupon be certified to the auditor and be placed upon the tax duplicate and shall be collected the same as other taxes. Such assessment, with interest accrued thereon, shall be lien from the time said improvement is commenced until fully paid and have precedence of all other liens except taxes. In the event that bonds are issued to pay the cost and expense of the said improvement as hereinafter provided, such assessment shall be payable in equal annual installments not to exceed five to correspond with the maturity of the bonds issued and to bear interest at the same rate as the bonds.

Compensation
of
equalizing
board.

Sec. 6956-13. When the improvement or any part thereof is in more than one county, or along the line be-

tween two or more counties, as soon as the said improvement shall be completed, the engineer shall make and report to the commissioners of the several counties an assessment of the proportionate cost and expense as aforesaid upon the real estate within their respective counties, and within one mile of the improvement to be charged therewith in proportion as nearly as may be to the benefits which may result from such improvement to the real estate so assessed, which assessment shall be filed with the county commissioners of the several counties in which such real estate is situated and shall be kept in the commissioners' office of such counties for public inspection. Before adopting the assessment so made and reported, the commissioners of each of the said counties shall thereupon cause to be published once a week for two consecutive weeks in some newspaper printed and of general circulation in their respective counties notice that such assessment has been made and that the same is on file in the office of the county commissioners for inspection. Thereupon like proceedings shall be had and like action taken as are provided in the preceding section for making the assessment when the improvement lies wholly within one county.

Publication
of notice.

Sec. 6956-14. The said proportion of the cost and expense of said improvement to be paid by the county shall be paid out of the state and county road improvement fund or out of any road, road improvement or road repair fund of the county available therefor. If there are not sufficient funds available therefor, then for the purpose of providing by taxation funds for the payment of the county's proportion of the cost and expense of all the improvements made under the provisions of this act, the county commissioners are hereby authorized to levy upon all the taxable property of the county a tax or taxes not exceeding in the aggregate in any one year the sum of one mill upon each dollar of the valuation of the taxable property in the county. Said levy shall be in addition to all other levies authorized by law, notwithstanding any limitation upon the aggregate amount of such levies now in force. For the purpose of providing by taxation funds for the payment of said proportion of the cost and expense of all improvements made under the provisions of this act to be paid by the township or townships in which such road improvement may be situated in whole or in part, the county commissioners are hereby authorized to levy upon all the taxable property of any township or townships in which such road improvement is situated, in whole or in part, a tax not exceeding ten mills in any one year upon each dollar of the valuation of the taxable property in such township or townships. Said levy shall be in addition to all other levies authorized by law, notwithstanding any limitation upon the aggregate amount of such levies now in force.

Tax levy.

Sec. 6956-15. The county commissioners, in anticipa-

Sale of
bonds.

tion of the collection of said taxes and assessments, and whenever, in their judgment, it is necessary or desirable, are hereby authorized to sell the bonds of any such county in which such improvement is to be or has been constructed to any amount not exceeding in the aggregate the amount necessary to pay the respective shares of the county, township or townships, and the land owners whose lands in such county are benefited by such improvement. Said bonds shall state for what purpose issued, and bear interest at a rate not in excess of five per cent. (5%) per annum, payable semi-annually; to mature in not more than five years after they are issued, in such amounts and at such time as the commissioners shall determine. Said bonds shall be sold according to law and not for less than par and accrued interest. The proceeds of such bonds shall be used exclusively for the payment of the cost and expense of the improvement.

Highways improved or constructed under the provisions of this act shall be kept in repair and maintained perpetually by the county commissioners of the respective counties wherein such improvement is made.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed May 10, 1910.

Approved May 17, 1910.

JUDSON HARMON,

Governor.

180.

[Senate Bill No. 209.]

AN ACT

To amend section 9358 of the General Code, relating to investments by insurance companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 9358 of the General Code be amended to read as follows:

Investments.

Sec. 9358. The preceding section shall not prohibit a company from accepting any other assets than therein enumerated in payment of debts due it, in order to protect its interests, or from acquiring real estate for its own use, or by foreclosure in accordance with the laws of this state, provided that unincumbered real estate as referred to in the preceding section shall be held to mean real estate not

subject to any other lien, except taxes or assessments not yet due.

SECTION 2. That said original section 9358 of the General Code be and is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 17, 1910.

JUDSON HARMON,
Governor.
 181.

[House Bill No. 552.]

AN ACT

To make appropriation for the improvements and maintenance of Fort Meigs.

WHEREAS, On April 2nd, 1906, an act was passed, appropriating twenty-five thousand dollars (\$25,000.00) for the purchase of Fort Meigs and the erection thereon of a monument, and

Fort Meigs
 improve-
 ment.

WHEREAS, By an act passed February 25th, 1908, a commission was created which purchased said Fort Meigs, consisting of thirty-six (36) acres of land, and erected thereon a most suitable monument, and have made a report, and

WHEREAS, The states of Pennsylvania and Kentucky, which together with Ohio, furnished many brave men who fell in the conflict at this fort, are now desirous of erecting monuments upon the lands at this fort, and

WHEREAS, The commission has filed a statement of the probable amount necessary to place said fort as a fitting and lasting monument to the memory of the men who fell in the defense of said fort and the honor of American arms, and

WHEREAS, Said action will be a fitting response to the general demand for appropriate steps to forever perpetuate the memory of those brave men; therefore

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following sum be and the same is hereby appropriated out of any moneys in the state treasury, to the credit of the general revenue fund not otherwise appropriated:

Appropriation

FORT MEIGS' COMMISSION.

Building driveways, walks, barn, and planting
trees, shrubs and plants..... \$6,000 00

SECTION 2. It is agreed and understood between the
said commission and the state of Ohio that the said sum of
money is to make the said fort self-sustaining.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 17th, 1910.

JUDSON HARMON,
Governor.
182.

[Senate Bill No. 183.]

AN ACT

To promote the sale of county, city and city school district
bonds and to safeguard the purchasers thereof.

Be it enacted by the General Assembly of the State of Ohio:

Section 2295-1. SECTION 1. That all bonds hereafter issued by any
county, city or city school district within this state, except
those issues permanently held by the sinking fund trustees
of the municipality issuing same, may have, endorsed there-
on, a certificate attesting the genuineness of the signatures
thereto, signed by a registrar legally authorized and qual-
ified to act therein.

Section 2295-2. SECTION 2. That every county, city or city school
district within this state having the power to issue such
bonds, shall have the power to employ such registrar, the
compensation of which together with all proper expenses
incident to such certification shall be paid on the allowance
of such authority out of the county, city or city school dis-
trict treasury or fund benefited or to be benefited by the
sale of such bonds, as the case may be.

The sectional
numbers on the
margin hereof
are designated
as provided by
law.

U. G. DENMAN,
Att'y. Gen.

SECTION 3. This act shall be in effect on and after
August 1, 1910.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 17th, 1910.

JUDSON HARMON,
Governor.
183.

[Senate Bill No. 252.]

AN ACT

To amend section 5546 of the General Code relating to the printing of lists of real estate owners in cities, townships and villages, by providing that such expense in townships and villages shall be paid on the warrant of the county auditor.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section fifty-five hundred forty-six of the General Code be amended to read as follows:

Sec. 5546. In cities such board of real estate assessors shall cause to be printed in pamphlet form a list showing all the real estate owners in each ward, together with the lot numbers, street numbers, if any, feet frontage and valuation made by them of each parcel of real estate, and cause a copy thereof to be mailed to each owner of real estate in the ward. In townships and villages the auditor shall cause to be printed in pamphlet form a list showing all the real estate in such township or village, together with the lot number, street number, if any, township, range, survey, acreage and valuation made by the assessors, and cause a copy thereof to be mailed to each owner of real estate in such township or village. The expense of preparing, printing and circulating such pamphlets in cities shall be paid out of the county treasury upon the order of the board of assessors and the warrant of the county auditor; in townships and villages the same shall be paid upon the order of the county commissioners and the warrant of the county auditor.

Pamphlet.

Payment,
how made.

SECTION 2. That said original section 5546 is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 17th, 1910.

JUDSON HARMON,
Governor.
184.

[Senate Bill No. 253.]

AN ACT

To amend section 8104 of the General Code, relating to the filing of partnership certificates when fictitious names are used.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 8104 of the General Code be amended to read as follows:

Sec. 8104. Any persons doing business as partners contrary to the provisions of the next five preceding sec-

Partnership
certificate.

Death of
partner; ef-
fect of.

tions, shall not commence or maintain an action on or on account of any contracts made, or transactions had in their partnership name in any court of this state, until they first file the certificate therein required. But if such partners at any time comply with such provisions, then they may commence an action, or if one has been commenced they may maintain it on all such partnership contracts and transactions entered into prior to as well as after such compliance, provided, that if any member of a partnership heretofore existing, had died before said certificate was filed, or any member of a partnership hereafter existing, should die before said certificate is filed, then in such cases, the surviving partner or partners, may file such certificate, and such certificate so filed, by the surviving partner or partners, shall have the same force and effect, as if the same had been filed by the members of said partnership, before the death of said partner.

SECTION 2. That said original section 8104 be and the same hereby is repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 17th, 1910.

JUDSON HARMON,
Governor.
185.

[Senate Bill No. 222.]

AN ACT

To authorize county commissioners to enter into contract for supplying light, heat and power to county buildings.

Be it enacted by the General Assembly of the State of Ohio:
Section 2435-1. SECTION 1. The commissioners of any county may, at any time, either before or after the completion of any county building, invite bids and award contracts for supplying such building with light, heat and power, or any of the same, for any period of time not exceeding ten years; but none of the provisions of section fifty-six hundred and sixty of the General Code shall apply to any such contracts.

Light, heat
and power
contract.

The sectional
numbers on the
margin hereof
are designated
as provided by
law.
U. G. DENMAN,
Atty. Gen.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 17th, 1910.

JUDSON HARMON,
Governor.
186.

[House Bill No. 578.]

AN ACT

To authorize the trustees of the Columbus state hospital to sell a certain tract of land to the Toledo and Ohio Central Railway Company.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of trustees of the Columbus State Hospital are hereby authorized and empowered to sell to the Toledo & Ohio Central Railway Company the following described property, situated in the township of Franklin, county of Franklin, and state of Ohio, and more particularly described as follows:

Sale of land
to T. & O. C.

Being a part survey No. 2668 Virginia Military Lands, and beginning at the intersection of the center lines of the Cleveland, Cincinnati, Chicago & St. Louis Railway Company and the Toledo & Ohio Central Railway Company, said intersection making an angle of 21° 56'; thence in a westerly direction along the center line of the Toledo & Ohio Central Railway Company six hundred and ten (610) feet to the center of Dry Run; thence following the meanderings of said stream in a southerly direction a distance of two hundred and twenty-seven and five tenths (227.5) feet to the center of the Cleveland, Cincinnati, Chicago & St. Louis Railway Company track; thence in an easterly direction five hundred and eighty-seven (587) feet to the intersection of the Cleveland, Cincinnati, Chicago & St. Louis Railway Company and the Toledo & Ohio Central Railway Company to the place of beginning, containing one and one-tenth (1.1) acres more or less. Excepting therefrom the right-of-way of the Cleveland, Cincinnati, Chicago & St. Louis and the Toledo and Ohio Central Railways.

Description.

Second Tract. That strip of land lying along the north side of the Toledo & Ohio Central Railway Company's right of way, bounded on the north by the Scioto River bank, on the east by a line drawn at right angle from the Toledo & Ohio Central Railway track at the point of intersection of said railway with the Cleveland, Cincinnati, Chicago & St. Louis Railway Company, extending to the Scioto River; on the south by the right of way of the Toledo & Ohio Central and the Cleveland, Cincinnati, Chicago & St. Louis Railway Company, and on the west by the center of Dry Run, containing one-half acre of land more or less.

Description.

And to convey the same to the purchaser by good and sufficient deed, for a sum not less than one thousand (\$1000.00) dollars, and the money obtained from said sale

shall be paid into the state treasury to the credit of the general revenue fund.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 17th, 1910.

JUDSON HARMON,
Governor.
187.

[House Bill No. 448.]

AN ACT

To fix liability of expense caused by contagious or infectious disease.

Be it enacted by the General Assembly of the State of Ohio:
Section 4436-1. SECTION 1. That any person, partnership, or corporation, that maintains any work camp, shall pay to any city, village, township or county in which said work camp is maintained, any and all expense caused by any contagious or infectious disease which shall originate or exist in said work camp.

The sectional numbers on the margin hereof are designated as provided by law.
U. G. DENMAN,
Atty. Gen.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 17th, 1910.

JUDSON HARMON,
Governor.
188.

[House Bill No. 437.]

AN ACT

To provide for the compensation of Lyman W. Wachenheimer, for his services as prosecuting attorney of Lucas county from January 1, 1906, to April 14, 1906.

Salary of prosecuting attorney.

WHEREAS, Lyman W. Wachenheimer, as prosecuting attorney of Lucas county, between January 1, 1906, and April 14, 1906, performed the duties of his office, for which a compensation by way of salary at the rate of two thousand dollars per year was prescribed by section twelve hundred and ninety-seven of the Revised Statutes of Ohio, as amended May 10, 1902, being for said period of time the sum of five hundred and seventy-seven and 78-100 dollars, and

WHEREAS, The circuit court of said county duly de-

terminated said section of the Revised Statutes as then amended to be unconstitutional and void, and thereby said Wachenheimer received no compensation for his said services during said period, and

WHEREAS, Said Dachenheimer ought of right to receive as compensation for his said services during said period the said sum of five hundred and seventy-seven and 78-100 dollars; therefore

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The county treasurer of Lucas county is hereby authorized and directed to pay out of the general fund of said county to the said Wachenheimer the said sum of five hundred and seventy-seven and 78-100 dollars as compensation for his said services, upon allowance of the county commissioners and proper warrant of the county auditor.

Payment authorized.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 17th, 1910.

JUDSON HARMON,
Governor.
189.

[Senate Bill No. 12.]

AN ACT

To amend section 11933 of the General Code relating to entailed estates, and empowering the court to consolidate two or more actions or trusts created thereunder.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 11933 of the General Code be amended to read as follows:

Sec. 11933. Under the direction and approval of the court, money arising from such sales may be invested in bonds which are either a portion, or the whole of an issue secured by first mortgage or trust deed, upon the real estate so sold, under such restrictions as the court prescribed, which investment must be reported to the court and be subject to its approval and confirmation. Where parts of the same entailed estate have been or hereafter are sought to be sold in separate actions, the common pleas court may, before or after sale in any action or at any time during the continuance of the trusts if in its judgment it is for the best interests of the estate, consolidate any two or more such actions or the trusts created thereunder. The court shall have power to make all orders and decrees necessary or proper to effect consolidation.

Consolidation of actions or trusts.

SECTION 2. That said original section 11933 of the

General Code be and the same is hereby repealed; and this act shall apply to pending trusts, actions, and causes of action.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 17th, 1910.

JUDSON HARMON,
Governor.
190.

[Senate Bill No. 13.]

AN ACT

To amend section 3806 of the General Code in relation to certificate of city auditor covering expenditures by boards.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3806 of the General Code be amended to read as follows:

Certificate of
auditor or
clerk.

Sec. 3806. No contract, agreement or other obligation involving the expenditure of money shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money, be passed by the council or by any board or officer of a municipal corporation, unless the auditor or clerk thereof, first certifies to council or to the proper board, as the case may be, that the money required for such contract, agreement or other obligation, or to pay such appropriation or expenditure, is in the treasury to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certificate shall be filed and immediately recorded. The sum so certified shall not thereafter be considered unappropriated until the corporation is discharged from the contract, agreement or obligation, or so long as the ordinance, resolution or order is in force.

SECTION 2. That said original section 3806 of the General Code be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 17th, 1910.

JUDSON HARMON,
Governor.
191.

[House Bill No. 26.]

AN ACT

To amend section 12427 of the General Code relating to the penalty for kidnapping.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 12427 of the General Code be amended so as to read as follows:

Sec. 12427. Whoever willfully and maliciously abducts or kidnaps another over the age of twelve years, or wounds or maims him, for the purpose of extorting from him or from anyone related to him by blood, marriage, or adoption, moneys, goods, chattels or other things of value, shall be imprisoned in the penitentiary not less than three years nor more than thirty years; and whoever willfully and maliciously abducts or kidnaps another under the age of twelve years, or wounds or maims him, for the purpose of extorting from him or from anyone related to him by blood, marriage or adoption, money, goods, chattels or other things of value, shall be imprisoned in the penitentiary for life; but upon recommendation of mercy by the jury shall be imprisoned in the penitentiary not less than ten years nor more than thirty years. And when the accused enters a plea of guilty, the court may hear evidence as to the circumstances of the offense, and, in its discretion, sentence the accused to be imprisoned in the penitentiary during life, or for a period of not more than thirty years, nor less than ten years.

Kidnapping.

Penalty.

SECTION 2. That said original section 12427 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 17th, 1910.

JUDSON HARMON,
Governor.
192.

[Senate Bill No. 43.]

AN ACT

To supplement section 13383 of the General Code by the enactment of section 13383-1 to prevent the publication of derogatory statements affecting the solvency of banks.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 13383 of the General Code be supplemented by the enactment of section 13383-1, as follows:

Sec. 13383-1. Any person who shall wilfully and

False state-
ments about
banks.

knowingly make, circulate or transmit to another or others any statement, rumor or suggestion, written, printed or by word of mouth, which is untrue in fact and is directly or by inference derogatory to the financial condition or affects the solvency or financial standing of any bank, savings bank, banking association, building and loan association or trust company doing business in this state, or who shall knowingly counsel, aid, procure, or induce another to start, transmit or circulate any such statement or rumor, shall upon conviction thereof be punished by a fine of not more than one thousand dollars or by imprisonment in the penitentiary for not more than two years or both.

Penalty.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed May 10, 1910.

Approved May 17, 1910.

JUDSON HARMON,

Governor.

193

[Senate Bill No. 81.]

AN ACT

To amend sections 4764, 4768 and 4769 of the General Code relating to bond of treasurer of boards of education.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4764, 4768 and 4769 of the General Code be amended to read as follows:

School dis-
trict treas-
urer; bond of.

Sec. 4764. Before entering upon the duties of his office, each school district treasurer shall execute a bond, with sufficient sureties, in a sum not less than the amount of school funds that may come into his hands, payable to the state, approved by the board of education, and conditioned for the faithful disbursement according to law of all funds which come into his hands, provided that when school moneys have been deposited under the provisions of sections 7604-7608 inclusive, the bond shall be in such amount as the board of education may require.

Disburse-
ments.

Sec. 4768. No treasurer of a school district shall pay out any school money except on an order signed by the president or vice-president and countersigned by the clerk of the board of education, and when such school moneys have been deposited as provided by sections 7604-7608 inclusive, no money shall be withdrawn from any such depository, except upon an order signed by the treasurer and by the president or vice-president and countersigned by the clerk of the board of education; and no money shall be paid to the treasurer of the district other than that received from the county treasurer, except upon the order of the

clerk of the board, who shall report the amount of such miscellaneous receipts to the county auditor each year immediately preceding such treasurer's settlement with the auditor.

Sec. 4769. The clerk of a board of education or the county auditor shall pay no money into the hands of the treasurer of a school district in excess of the amount of his bond. Should any such clerk or auditor violate this provision, he and his bondsmen shall be liable for any loss occasioned thereby. But where depositories for school funds have been created under the provisions of sections 7604-7608 inclusive, all school moneys shall be paid directly into such depository or depositories by the auditor upon the written order of the board of education signed by the president or vice-president and countersigned by the clerk. In case the school funds have been deposited under the provisions of sections 7604-7608 inclusive, the limitation of payment herein contained shall not apply. Before giving such treasurer a warrant or order for school funds, the auditor may require the treasurer to file with him a statement showing the amount of such funds in his possession, signed by the clerk of the board of education.

Liability of
clerk or au-
ditor.

SECTION 2. That sections 4764, 4768 and 4769 of the General Code be and the same are hereby repealed.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed May 10, 1910.

Approved May 17, 1910.

JUDSON HARMON,

Governor.

194

[House Bill No. 581.]

AN ACT

To make appropriations to pay unauthorized deficiencies and liabilities existing prior to February 15, 1910, and to make sundry other appropriations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following sums be, and the same are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, to pay deficiencies and liabilities as herein specified, existing prior to February 15, 1910, and to make sundry other appropriations, to-wit:

Unauthorized
appropriations.

OHIO NATIONAL GUARD.

Unauthorized
appropriations.

| | |
|--|-----------|
| Care of stores and freight..... | \$958 59 |
| Transportation, subsistence and incidental expenses, Bridgeport riots, December, 1909.. | 13,396 99 |
| Rent of armories..... | 600 00 |
| Mrs. Maggie Shotts, in full settlement of all claims for compensation for the death of her son, John F. Shotts, from injuries received while in the line of duty as an employee at the state arsenal, Columbus, August 5, 1906..... | 1,000 00 |
| Frank B. Hollenbach, Lieutenant, Company C, Fifth Infantry, Ohio National Guard, in full settlement of all claims for injuries received to left knee, while in line of duty at company's armory, January 28, 1910..... | 420 00 |
| Dr. Charles Edwin Briggs, in full settlement of all claims for medical services rendered Frank B. Hollenbach, Lieutenant, Company C, Fifth Infantry, Ohio National Guard, from January 28 to April 1, 1910..... | 100 00 |
| The Lakeside Hospital, in full settlement of all claims for hospital services rendered Frank B. Hollenbach, Lieutenant, Company C, Fifth Infantry, Ohio National Guard, from January 28 to March 8, 1910..... | 47 00 |
| John Rope, Private, Company D, Eighth Infantry, Ohio National Guard (H. B. No. 234), in full settlement of all claims for injuries received while in the line of duty, at target practice, in company's armory, October 25, 1909..... | 650 00 |
| It is hereby provided that before a warrant on the treasury be drawn by the auditor of state, a trustee shall be appointed by the probate court of the county in which the said John Rope is residing, and that the said trustee is hereby authorized to invest the said six hundred and fifty dollars in a home for the benefit of the said John Rope; that at his death said property shall go to his widow or heirs of his body; that in the event of the death of the said widow and heirs before that of the said John Rope said property shall revert to and become the property of the state of Ohio. | |
| Dr. John Kinney, in full settlement of all claims for medical services rendered John Rope, Private, Company D, Eighth Infantry, Ohio National Guard | 50 00 |
| Dr. J. D. Beer, in full settlement of all claims for medical services rendered John Rope, | |

| | | |
|---|----------|------------------------------|
| Private, Company D. Eighth Infantry, Ohio National Guard | 25 00 | Unauthorized appropriations. |
| Doctors Ryall and Stoll, in full settlement of all claims for medical services rendered John Rope, Private, Company D, Eighth Infantry, Ohio National Guard..... | 10 00 | |
| Dr. A. C. Knestrick, in full settlement of all claims for medical services rendered John Rope, Private, Company D, Eighth Infantry, Ohio National Guard..... | 25 00 | |
| The Wooster Hospital Company, in full settlement of all claims for hospital services rendered John Rope, Private, Company D, Eighth Infantry, Ohio National Guard... | 2 50 | |
| M. R. Limb, in full settlement of all claims for expenses paid for John Rope, Private, Company D, Eighth Infantry, Ohio National Guard | 25 33 | |
| Charles A. Harnoff, in full settlement of all claims for compensation for the death of his son, Charles A. Harnoff, Private, Company G, Eighth Infantry, Ohio National Guard (H. B. No. 133), July 30, 1909..... | 2,500 00 | |
| Raymond Welty, Private, Company D, Eighth Infantry, Ohio National Guard, in full settlement of all claims for injuries received at riots, Bridgeport, Ohio, December, 1909. | 200 00 | |
| Dr. L. A. Yocum, in full settlement of all claims for medical services rendered Raymond Welty, Private, Company D, Eighth Infantry, Ohio National Guard, December, 1909 | 13 00 | |
| Paul Price, Company C, Second Infantry, Ohio National Guard, in full settlement of all claims for injuries received in automobile accident, August 28, 1909..... | 200 00 | |
| Dr. H. J. Pool, in full settlement of all claims for medical services rendered and hospital expenses incurred by Paul Price, Private, Company G, Second Infantry, Ohio National Guard, from August 29 to October 18, 1909 | 131 00 | |
| Paul Price, Private, Company G, Second Infantry, Ohio National Guard, in full settlement of all claims for expenses incurred incident to injuries received in automobile accident, August 28, 1909..... | 7 00 | |
| Dr. J. B. Evans, in full settlement of all claims for medical services rendered Paul Price, Private, Company G, Second Infantry, Ohio National Guard, from October 24 to November 14, 1909..... | 12 50 | |
| Dr. J. C. Pence, in full settlement of all claims | | |

Unauthorized
appropriations.

| | |
|---|--------|
| for medical services rendered and expenses incurred in examining Paul Price, Private, Company G, Second Infantry, Ohio National Guard, January 17, 1910, on order of adjutant general of Ohio..... | 4 25 |
| George Byers, in full settlement of all claims for compensation for death of horse from pneumonia hired for and used at drill, at Columbus, Ohio, by Troop B, Ohio National Guard, July 24, 1907..... | 247 00 |
| Doctors Brown and Brown, veterinarians, in full settlement of all claims for medical services rendered and expenses incurred at hospital for two horses from September 10 to 20, 1908, and one horse from September 21 to October 10, 1908..... | 63 00 |
| Myler and Turney, in full settlement of all claims for legal services rendered in the case of the State of Ohio vs. Joseph Kuchta from October 28, 1908, to December 13, 1909.... | 700 00 |
| Myler and Turney, in full settlement of all claims for expenses incurred in the case of the State of Ohio vs. Joseph Kuchta from October 28, 1908, to December 13, 1909.... | 45 40 |
| The Toledo Legal Brief and Record Company, in full settlement of all claims for printing and court costs in the case of the State of Ohio vs. Joseph Kuchta..... | 70 95 |
| To pay indebtedness incurred by Company B, Fifth Infantry, Ohio National Guard, for equipment furnished for armory for said company, at Lorain, Ohio, as follows: | |
| Smith and Gerhart..... | 4 06 |
| The Lorain Lumber and Manufacturing Company | 143 14 |
| The Wood Lumber Company..... | 12 89 |
| N. C. Alten..... | 49 50 |
| The Lorain Hardware Company..... | 90 76 |
| J. H. Hogan and Company..... | 49 49 |
| The City Hardware Company..... | 30 46 |

ATTORNEY GENERAL.

| | |
|--|----------|
| Special counsel (L. G. Silbaugh)..... | \$50 00 |
| Special counsel (part payment, Charles C. Connell) | 3,000 00 |
| Special counsel (J. M. Shallenbarger)..... | 400 00 |
| Special counsel (Doyle and Lewis)..... | 1,000 00 |
| Special counsel (Theodore Horstman)..... | 1,000 00 |
| Costs in cases brought by state..... | 350 70 |
| Remodeling office | 121 50 |

BOARD OF PUBLIC WORKS.

| | | Unauthorized appropriations. |
|---|------------|---------------------------------|
| Salaries of members..... | \$1,350 00 | |
| Salary of stenographer and clerk..... | 200 00 | |
| James I. Smith, in full settlement of all claims for damages caused by break in the South- ern Division of the Ohio Canal, Pickaway county, July, 1907..... | 400 00 | |
| Mary A. Olds, Eliza Olds, Eleanor Olds Gray and Effie Olds, in full settlement of all claims for damages caused by break in the Southern Division of the Ohio Canal, Pick- away county, July, 1907..... | 100 00 | |
| Lucius C. Wright, in full settlement of all claims for damages caused by break in the Hocking Canal, Hocking county, March, 1908..... | 500 00 | |
| Expenses of commission investigating claims of James I. Smith, et al., for damages caused by breaks in the Southern Division of the Ohio Canal, Pickaway county, July, 1907.. | 151 36 | |
| Expenses of commission investigating claims of Lucius C. Wright, et al., for damages caused by breaks in the Hocking Canal, Hocking county, March, 1907 and 1908..... | 829 53 | |
| Armstrong and Okey, official stenographers, for services rendered and expenses incurred in hearings in the investigation of the claims of James I. Smith, et al., for damages caused by breaks in the Southern Division of the Ohio Canal, Pickaway county, July, 1907.. | 105 12 | |
| Armstrong and Okey, official stenographers, for services rendered and expenses incurred in hearings in the investigation of the claims of Lucius C. Wright, et al., for damages caused by breaks in the Hocking Canal, Hocking county, March, 1907 and 1908.... | 684 37 | |
| Armstrong and Okey, official stenographers, for services rendered and expense incurred in hearings in the investigation of the claims of John F. Prather, et al., for damages caused by breaks in the Southern Division of the Ohio Canal, Pike county, March, 1907. | 100 42 | |
| Expenses of commission in the investigation of the claims of John F. Prather, et al., for damages caused by breaks in the Southern Division of the Ohio Canal, Pike county, March, 1907 | 213 00 | |
| Expenses of commission (witness fees and mile- age) in the investigation of the claims of J. M. Cloud, et al., for damages caused by over- flow of the Lewiston Reservoir, June and July, 1907 | 53 80 | |

Unauthorized
appropriations.

CHIEF EXAMINER OF STEAM ENGINEERS.

Contingent expenses \$49 49

BUREAU OF VITAL STATISTICS.

Contingent expenses \$6 03

OHIO PENITENTIARY.

To pay indebtedness incurred in the operation
of the restaurant at the Ohio Penitentiary,
for the year ending May 1, 1909, as follows:

| | |
|-----------------------------------|----------|
| Ben Chamberlain | \$422 47 |
| The G. W. Bobb Company..... | 476 33 |
| The Pure Milk Company..... | 167 10 |
| Henry Turkopp | 30 20 |
| John H. Fitch Coffee Company..... | 20 74 |

GIRLS' INDUSTRIAL HOME.

Salary and expenses of additional parole officer
from November 21 to December 13, 1909.. \$110 71

LIMA STATE HOSPITAL.

Expenses of commission..... \$433 73

OHIO STATE SANATORIUM.

| | |
|--------------------------------------|------------|
| Current expenses | \$2,316 09 |
| Furniture, fixtures and carpets..... | 586 50 |

TOLEDO STATE HOSPITAL.

Rent of residence for steward from May, 1909,
to January, 1910..... \$450 00

OHIO STATE SCHOOL FOR THE BLIND.

Ordinary repairs and improvements..... \$36 38

OHIO SOLDIERS' AND SAILORS' HOME.

| | |
|---|----------|
| Transfer tax, penalty and interest advanced for state (Myron N. Tompkins)..... | \$169 55 |
|---|----------|

To the county commissioners of Erie county,
Ohio, the sum of five hundred dollars, on ac-
count of construction of Sulphur Ditch for
the drainage of the lands of the state of
Ohio, known as the Ohio Soldiers' and Sail-
ors' Home. Said sum of five hundred dol-
lars to be in full of all claims and demands
therefor.

To the county commissioners of Erie county,

Ohio, the sum of five hundred dollars, on account of construction of Sulphur Ditch, for the drainage of the lands of the state of Ohio, known as the Ohio Soldiers' and Sailors' Home. Said sum of five hundred dollars is to be in full of all claims and demands therefor.

Unauthorized
appropriations.

MISCELLANEOUS.

| | |
|---|----------|
| Ohio Trust Company for corporation tax erroneously paid secretary of state..... | \$125 00 |
| Bay View Foundry Company for corporation tax erroneously paid secretary of state.... | 10 00 |
| Bradner Telephone Company for corporation tax erroneously paid secretary of state.... | 20 00 |
| Fremont Yaryan Company for corporation tax erroneously paid secretary of state..... | 366 20 |
| Mauntler Brothers Company for corporation tax erroneously paid secretary of state..... | 120 00 |
| Rushcreek Land and Oil Company for corporation tax erroneously paid secretary of state. | 20 00 |
| Crowell Publishing Company for corporation tax erroneously paid secretary of state..... | 61 06 |
| Hahn Paint and Supply Company for corporation tax erroneously paid secretary of state. | 20 00 |
| Phillips Cement Stone Company for corporation tax erroneously paid secretary of state.... | 11 00 |
| Youngstown Heating Company for corporation tax erroneously paid secretary of state.... | 400 00 |
| J. Harrison Smith, probate judge, Miami county, costs in inheritance tax case..... | 3 66 |
| Mauntler Brothers Company excise tax erroneously paid auditor of state..... | 298 01 |
| Hamilton Belt Railway Company excise tax erroneously paid auditor of state..... | 63 64 |
| Refund liquor traffic tax to the following counties on account of discontinuance of those engaged in the business by reason of the Rose local option law: | |
| Clark | 2,085 19 |
| Holmes | 280 15 |
| Medina | 744 20 |
| O. D. Batchelor, in full settlement of all claims for legal services rendered the Ohio Commission to Ter-Centennial Jamestown Exposition | 400 00 |
| Refunder of fine and costs assessed by and paid to Samuel Bloom, justice of the peace, Hamilton county, by order of the court of common pleas of Hamilton county, as follows: | |
| James R. Andrews (H. B. No. 103)..... | 27 40 |
| E. M. Sickles (H. B. No. 104)..... | 27 40 |
| F. J. Minsterkoetter (H. B. No. 105)..... | 27 40 |

Unauthorized
appropriations.

| | |
|---|----------|
| Vincent Rhein (H. B. No. 106)..... | 27 40 |
| For the relief of persons hereinafter named, who held unpatented grants of land in the "Virginia Military District of Ohio" and were compelled to surrender said lands to the Ohio state university (H. B. No. 141), the following sums: | |
| Joseph T. Micklethwait, administrator of the estate of Eliza Anderson Stark, deceased.. | 105 00 |
| Joseph T. Micklethwait, administrator of the estate of Eliza McArthur Anderson, deceased | 388 00 |
| Joseph T. Micklethwait, administrator of the estate of William Marshal Anderson, deceased | 1,526 00 |
| Joseph L. Boulger, legal representative of Jane Boulger, deceased | 97 00 |
| Richard C. Lewis, administrator of the estate of Daniel Gregg, deceased..... | 1,134 00 |
| Smith Grimes | 375 00 |
| Mrs. Jacob Bell, in full settlement of all claims for compensation for the death of her husband, Jacob Bell, sheriff of Holmes county, December 8, 1909 (H. B. No. 120)..... | 2,500 00 |
| William R. Bosson, in full settlement of all claims for injuries received by falling down a stairway while in the line of duty as guard at the Ohio penitentiary, 1902..... | 1,000 00 |
| William H. Wright, in full settlement of all claims for damages by reason of non-performance of contract on the part of the state in not making improvements and maintaining a fish hatchery on land purchased from said Wright, by the state, near Lakeside, Ottawa county, June 20, 1903..... | 1,000 00 |
| Columbus Wood, in full settlement of all claims (H. B. No. 166) for injuries received from bite of insane patient, while in the line of duty as an attendant at Ohio hospital for epileptics, resulting in blood poison and loss of use of left hand, March, 1902..... | 800 00 |
| Samuel J. Williams, in full settlement of all claims (H. B. No. 196) for injuries received from blow on head with a stool by a convict at the Ohio penitentiary, while in the line of duty as a guard, March 26, 1907..... | 300 00 |
| Alma L. Rickards, in full settlement of all claims for injuries received by falling down front steps of Oxley Hall, Ohio state university, April 21, 1909..... | 500 00 |
| Frank E. Edwards, in full settlement of all claims for refunder of license fee paid the commissioner of labor statistics of Ohio to | |

| | | |
|--|----------|------------------------------|
| operate and maintain a private employment-office in Cincinnati, April 12, 1909 (H. B. No. 525) | 100 00 | Unauthorized appropriations. |
| James C. Franklin, in full settlement of all claims for bounty for re-enlistment in Company E, 27th Regiment, Ohio Volunteer Infantry, December 25, 1863..... | 100 00 | |
| To pay the following sums on outstanding checks of the East Side Bank Company, Toledo, against the deposit of the board of public works in said bank at the time of the failure of such bank, December 16, 1909: | | |
| Lawrence Burkhart | 23 28 | |
| Fred Bloomdahl | 11 60 | |
| John Ryan | 54 26 | |
| McGrevy and Ortman..... | 15 84 | |
| P. R. Vanlue..... | 4 80 | |
| Ohio Electric Railway Company..... | 2 46 | |
| Spoerl Hardware Company..... | 6 80 | |
| Oregonia Bridge Company..... | 19 86 | |
| Dayton Globe Iron Works..... | 82 92 | |
| Fairbanks Steam Shovel Company..... | 25 54 | |
| Dayton Steam Boiler Works..... | 64 80 | |
| F. M. Wise..... | 942 06 | |
| Charles H. Jones..... | 17 00 | |
| Charles H. Jones, assignee of B. Niehaus..... | 1,787 20 | |
| United States Telephone Company..... | 3 44 | |
| Williams Brothers and Morse Company..... | 213 98 | |
| Bellefontaine Stone and Lime Company..... | 160 00 | |
| T. H. Watson and Sons..... | 24 00 | |
| Thomas R. Wickenden..... | 124 68 | |

STATE BOARD OF HEALTH.

| | |
|---|------------|
| Salary of state inspector of plumbing at \$1,800. | \$1,350 00 |
| Traveling expenses of state inspector of plumbing at \$1,000..... | 750 00 |

STATE HIGHWAY DEPARTMENT.

| | |
|---|------------|
| Salaries of two clerks at \$900 each..... | \$1,425 00 |
| Traveling expenses of commissioner at \$1,200.. | 450 00 |
| Traveling expenses of assistant commissioner at \$1,000 | 250 00 |
| Expenses for the preparation of a new highway law of Ohio, in accordance with the provision of H. B. No. 518..... | 1,000 00 |

NORMAL SCHOOL COMMISSION.

| | |
|---|------------|
| Expenses of commission in locating sites for two normal schools | \$1,000 00 |
|---|------------|

STATE BUILDING CODE COMMISSION.

| | |
|---|------------|
| Salaries, uses and purposes of commission, in accordance with the provisions of H. B. No. 258 | \$2,500 00 |
|---|------------|

STATE LIBRARY.

Unauthorized
appropriations.

Salaries, uses and purposes of legislative reference and information department, in accordance with the provisions of H. B. No. 384 \$3,000 00

SECTION 2. The moneys herein appropriated to pay unauthorized deficiencies and liabilities shall be paid upon the approval of a special auditing committee, consisting of the chairman of the senate finance committee, the chairman of the house finance committee and the auditor of state, and said auditing committee is hereby authorized and directed to make a careful inquiry as to the validity of each and every claim herein made, and to pay only so much as may be found to be correct and just, and in the event said committee finds the law relating to creating deficiencies has been violated by any official or board, it shall report the same to the governor in writing.

State tax commission, salaries of members and employes, expenses, and uses and purposes of the commission.....\$25,000 00
State board of charities, office rent of rooms in lieu of present rooms in state capitol..... 1,500 00
Furniture and carpets..... 500 00

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.
Approved May 18, 1910.

JUDSON HARMON,
Governor.
195

[Senate Bill No. 251.]

AN ACT

To amend sections 6394, 6395 and 6400 of the General Code and to supplement Chapter 31 of Title II of Part Second of the General Code by enacting a section thereof to be numbered section 6400-1 and relating to the prohibition of trusts and conspiracies against trade.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 6394, 6395 and 6400 of the General Code be amended and that Chapter 31 of Title II of Part Second of the General Code be supplemented by the enactment of a section thereof to be denominated section 6400-1 respectively as follows:

Foreign corporations must comply with anti-trust acts.

Sec. 6394. A foreign corporation or foreign association exercising any of the powers, franchises or functions of a corporation in this state, violating any provision of this chapter shall not have the right of, and is hereby pro-

hibited from, doing any business in this state. The attorney-general shall enforce this provision by proceedings in quo warranto in the supreme court, or the circuit court of Franklin county or of any county in which the defendant resides or does business, or he shall enforce it by injunction or other proper proceedings in the court of common pleas of Franklin county or of any county in which the defendant resides or does business. The secretary of state shall revoke the certificate of such corporation or association theretofore authorized by him to do business in this state.

Certificate re-
voked by sec-
retary of state.

Sec. 6395. A person, firm, partnership, corporation or association violating any provision of this chapter shall forfeit and pay to the state, for the use of the general revenue fund thereof, the sum of fifty dollars for each day that such violation is committed or continued after due notice given by the attorney-general or a prosecuting attorney. Such sum may be recovered in the name of the state in any county where the offense is committed or where any of the offenders reside; and the attorney-general, or the prosecuting attorney of any county upon the order of the attorney-general, shall prosecute for the recovery thereof. When such action is prosecuted by the attorney-general he may begin the same in the court of common pleas of Franklin county or of any county in which the defendant resides or does business.

Violation ;
penalty.

Sec. 6400. The several courts of common pleas in the state are hereby invested with jurisdiction to restrain and enjoin violations of this chapter. For a violation of any provision of this chapter by a corporation or association mentioned herein, the attorney-general, or the prosecuting attorney of the proper county, shall institute proper proceedings in quo warranto, injunction or otherwise in a court of competent jurisdiction in any county in the state where such corporation or association exists, does business or has a domicile. When such suit is instituted by the attorney-general in quo warranto, he may begin the same in the supreme court of the state, or the circuit court of Franklin county. When such suit is instituted by the attorney-general to restrain and enjoin a violation of any provision of this chapter he may begin the same in the court of common pleas of Franklin county. Such proceeding to restrain and enjoin such violation or violations shall be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. Upon the filing of such petition and before final decree the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises. In any action or proceeding in quo warranto by the attorney-general or a prosecuting attorney against a corporation the court in which such action or proceeding is pending may, ancillary to such action or proceeding, restrain or enjoin the corporation and its officers

Jurisdiction of
courts.

Quo warranto.

Injunction.

Domestic
corporations.

Dissolution
by court.

Parties de-
fendant.

Statute of
limitation no
bar to suit.

and agents from continuing or committing during the pendency of the action the alleged act or acts by reason of which the action is brought. When, in a proceeding in quo warranto by the attorney-general or any prosecuting attorney, any corporation incorporated under the laws of this state is, on final hearing, found guilty of violating any of the provisions of this act, the court may declare a forfeiture of all its rights, privileges and franchises to the state and may order the incorporation dissolved and appoint a trustee or trustees to wind up its affairs, as is provided in other cases in quo warranto.

Sec. 6400-1. In any action or proceeding in quo warranto, injunction or otherwise brought by the attorney-general or a prosecuting attorney under this chapter, all persons parties to or participating in the trust or conspiracy against trade violative of the provisions of this chapter, may be made parties defendant and summoned, whether they reside in the county where such action is instituted or not. Proceedings in quo warranto and in injunction may be instituted simultaneously, or while one or another of them is pending, such suits being started in the proper court as provided in this chapter, and no suit in injunction shall be a bar to a suit in quo warranto, nor shall a suit in quo warranto be a bar to one instituted to restrain and enjoin. No statute of limitation shall prevent or be a bar to any suit, or proceeding, for any violation hereafter committed of any provision of this chapter.

SECTION 2. That said original sections 6394, 6395 and 6400 be and the same are hereby repealed.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed May 10, 1910.

Approved May 18, 1910.

JUDSON HARMON,

Governor.

196

[House Bill No. 334.]

AN ACT

To amend sections 713, 714, 715, 729, 731, 742, 743, 9719, 9749, 9760, 9761 and 12898, and to supplement section 742 and to repeal sections 736 and 9751 of the General Code relative to the regulation of state banks.

Be it enacted by the General Assembly of the State of Ohio:

State banks
regulated.

SECTION 1. That sections 713, 714, 715, 729, 731, 742, 743, 9719, 9749, 9760, 9761, and 12898 of the General Code be amended and section 742 be supplemented by the enactment of sections 742-1 to 742-16 inclusive so as to read as follows:

Salaries.

Sec. 713. The superintendent of banks shall fix the salaries of the deputies, assistants, clerks and examiners

at such rates per annum as the governor approves. Upon vouchers approved by the superintendent of banks, such salaries shall be paid monthly by the treasurer of state upon the warrant of the auditor of state.

Sec. 714. The actual and necessary traveling expenses of the superintendent of banks and of the deputies, assistants, clerks and examiners incurred in the discharge of their official duty shall be paid monthly by the treasurer of state upon the warrant of the auditor of state. Vouchers therefor shall be fully itemized, approved by the superintendent of banks and countersigned by the auditor of state.

Sec. 715. All expenses incurred by the superintendent of banks in the performance of the duties imposed upon him by law, including the salary of such superintendent, his deputies, assistants, clerks and examiners, shall be paid from funds appropriated therefor.

Expenses.

Sec. 729. The officers of any such corporation, company, society or association shall submit its books, papers and concerns to the inspection and examination of the superintendent of banks or any deputy, or duly appointed examiner, and on refusal so to do or to be examined on oath touching the affairs of such corporation, company, society or association, the superintendent of banks may forthwith take possession of the property and business of such corporation, company, society or association and liquidate its affairs and remain in possession of its property and business until its affairs be finally liquidated, as hereinafter provided.

Liquidation by
superintendent
of banks.

Sec. 731. If such corporation, company, society or association refuses or fails after written notice to make good the deficiency appearing or found to exist, the superintendent of banks may forthwith take possession of the property and business of such corporation, company, society or association until its affairs be finally liquidated by him, as hereinafter provided.

Sec. 742. Whenever in this act it is provided that the superintendent of banks may take possession of the property and business of any corporation, company, commercial bank, savings bank, safe deposit company, trust company, or any combination of two or more of such classes of business or society for savings, or banking association, doing business under the provisions of the banking laws of this state to liquidate its affairs, the superintendent of banks shall take possession of and administer the assets of such company or association as herein provided.

Sec. 742-1. Upon taking possession of the property and business of any such corporation, company, society or association, the superintendent of banks shall forthwith give written notice of such fact to all banks, trust companies, associations and individuals holding or in possession of any assets of such corporation, company, society or association. No bank, trust company, association or indi-

Written notice
to holders of
assets.

vidual knowing that the superintendent of banks has taken possession of such company or association, shall have a lien or charge for any payment advanced or any clearance thereafter made, or liability thereafter incurred against any of the assets of the corporation, company, society or association of whose property and business the superintendent of banks shall have taken possession. Such corporation, company, society or association may, with the consent of the superintendent of banks, resume business upon such conditions as may be approved by him.

Collections.

Sec. 742-2. Upon taking possession of the property and business of such corporation, company, society or association, the superintendent of banks is authorized to collect money due to such corporation, company, society or association, and do such other acts as are necessary to preserve its assets and business, and shall proceed to liquidate the affairs thereof, as hereinafter provided. The superintendent of banks shall collect all debts due and claims belonging to it, and upon the order of the common pleas court in and for the county in which the office of such corporation, company, society or association was located, may sell or compound all bad or doubtful debts, and on like order may sell all the real estate and personal property of such corporation, company, society or association, on such terms as the court shall direct; and the superintendent of banks upon the terms of sale or compromise directed by the court, shall execute and deliver to the purchaser of such real or personal property, such deeds or instruments as shall be necessary to evidence the passing of the title; and if said real estate is situated outside the county in which the office of the corporation, company, society or association, was located, a certified copy of such order authorizing and ratifying said sale shall be filed in the office of the recorder of the county within which said property is situated; and may, if necessary to pay the debts of such corporation, company, society or association, enforce the individual liability, if any, of the stockholders. The superintendent of banks may under his hand and official seal appoint one or more special deputy superintendents of banks as agent or agents, to assist him in the duty of liquidation and distribution,—a certificate of appointment to be filed in the office of the superintendent of banks and a certified copy in the office of the clerk of the county in which the office of such corporation, company, society or association was located. The superintendent of banks shall require from such agent or agents such surety for the faithful discharge of their duties as he may deem proper.

Special deputies.

Notice by advertisement.

Sec. 742-3. The superintendent of banks shall cause notice to be given by advertisement in such newspaper as he may direct weekly for three consecutive months, calling on all persons who may have claims against such corporation, company, society or association, to present the same to the superintendent of banks, and to make legal proof

thereof at a place and within a time not earlier than the last day of publication to be therein specified. The superintendent of banks shall mail a similar notice to all persons whose names appear as creditors upon the books of the corporation, company, society or association. If the superintendent of banks doubts the justice and validity of any claim, he may reject the same and serve notice of such rejection upon the claimants, either by mail or personally, and an affidavit of the service of such notice, which shall be prima facie evidence thereof, shall be filed in his office. An action upon a claim so rejected must be brought within six months after such service. Claims presented and allowed after the expiration of the time fixed in the notice to creditors, shall be entitled to be paid the amount of all prior dividends therein if there be funds sufficient therefor and share in the distribution of the remaining assets in the hands of the superintendent of banks equitably applicable thereto.

Rejected
claims.

Sec. 742-4. The expenses incurred by the superintendent of banks in the liquidation of any bank in accordance with the provisions of this act, shall include the expenses of deputy or assistants, clerks and examiners employed in such liquidation, together with reasonable attorney fees for counsel employed by said superintendent of banks in the course of such liquidation. Such compensation of counsel, of deputies or assistants, clerks, and examiners in the liquidation of any corporation, company, society or association, and all expenses of supervision and liquidation shall be fixed by the superintendent of banks, subject to the approval of the common pleas court of the county in which the office of such corporation, company, society or association was located, on notice to such corporation, company, society or association. The expense of such liquidation shall be paid out of the property of such corporation, company, society or association in the hands of said superintendent of banks, and such expenses shall be a valid charge against the property in the hands of said superintendent of banks and shall be paid first, in the order of priority.

Attorney fees.

Expense of
liquidation;
how paid.

Sec. 742-5. Upon taking possession of the property and assets of such corporation, company, society or association, the superintendent of banks shall make an inventory of the assets of such corporation, company, society or association in duplicate,—one to be filed in the office of the superintendent of banks, and one in the office of the clerk of the county in which the office of such corporation, company, society or association was located; upon the expiration of the time fixed for the presentation of claims, the superintendent of banks shall make in duplicate a full and complete list of the claims presented, including and specifying such claims as have been rejected by him, of which one shall be filed in the office of the superintendent of banks, and one in the office of the clerk of the county in

Inventory.

Supplemental
lists.

which the office of such corporation, company, society or association was located. And the superintendent of banks shall in like manner make and file supplemental lists showing all claims presented subsequent to the filing of the first list,—such supplemental lists to be filed at least fifteen days before the declaration of any dividend, and in any event such supplemental lists shall be filed at intervals of not exceeding six months. Such inventory and list of claims shall be open at all reasonable times for inspection.

Sec. 742-6. The moneys collected by the superintendent of banks shall be from time to time deposited in one or more state banks of deposit, savings banks, or trust companies, subject to his order as herein provided.

Dividends.

Sec. 742-7. At any time after the expiration of the date fixed for the presentation of claims, the superintendent of banks may, out of the funds remaining in his hands after the payment of expenses, declare one or more dividends, and after the expiration of one year from the first publication of notice to creditors, he may declare a final dividend,—such dividends to be paid to such persons and in such amounts and upon such notice as may be directed by the common pleas court of the county in which the office of such corporation, company, society or association was located.

Filing objec-
tions.

Sec. 742-8. Objection to any claim not rejected by the superintendent of banks may be made by any party interested by filing a copy of such objection with the superintendent of banks, who shall present the same to the common pleas court of the county in which the office of such corporation, company, society or association was located, upon written notice to the party filing the same, said notice setting forth the time and place of the presentation. The court upon return day of said notice shall hear the objections raised to said claim, or refer the determination of said objections to a referee for report, or upon demand of either the superintendent of banks or the party filing the objections direct that the issues be tried before a jury. The court may make proper provision for unproved or unclaimed deposits.

Application
to C. P. court.

Sec. 742-9. Whenever any such corporation, company, society or association of whose property and business the superintendent of banks has taken possession, as aforesaid, deems itself aggrieved thereby, it may at any time within ten days after taking such possession apply to the common pleas court of the county in which the office of such corporation, company, society or association was located, to enjoin further proceedings, and said court, after citing the superintendent of banks to show cause why further proceedings should not be enjoined, and hearing the allegations and proofs of the parties and determining the facts, may, upon the merits, dismiss such application or enjoin the superintendent of banks from further proceed-

ings, and direct him to surrender such business and property to such corporation, company, society or association.

Sec. 742-10. No receiver shall be appointed by any court, nor shall any deed of assignment for the benefit of creditors be filed in any probate court or court of insolvency, within this state, for any incorporated bank, savings bank, savings and trust company, safe deposit and trust company, society for savings, savings society, or any combination of same doing business under the laws of this state except upon notice to the superintendent of banks, unless in case of urgent necessity it becomes in the judgment of the court necessary so to do in order to preserve the assets of such corporation, company, society or association. The superintendent of banks may within five days after the service of such notice upon him take possession of such corporation, company, society or association, in which case no further proceedings shall be had upon such application for the appointment of receiver or under such deed of assignment, or, if a receiver has been appointed or such assignee shall have entered upon the administration of his trust, such appointment shall be vacated or such assignee shall be removed upon application of the superintendent of banks to the proper court therefor, and the superintendent of banks shall proceed in all such cases to administer the assets of such corporation, company, society or association as herein provided.

Duty of superintendent of banks after service of notice.

Sec. 742-11. Whenever the superintendent of banks shall have paid to each depositor and creditor of such corporation, company, society or association (not including stockholders) whose claim or claims as such depositor or creditor shall have been duly proved and allowed, the full amount of such claims, and shall have made proper provision for unclaimed or unpaid deposits or dividends, and shall have paid all the expenses of the liquidation, the superintendent of banks shall call a meeting of the stockholders of such corporation, company, society or association, by giving notice thereof for thirty days in one or more newspapers published in the county wherein the office of such corporation, company, society or association was located.

Stockholders' meeting.

Sec. 742-12. At such meeting the stockholders shall determine whether the superintendent of banks shall continue to administer its assets and wind up the affairs of such corporation, company, society or association, or whether an agent or agents shall be elected for that purpose; and in so determining the said stockholders shall vote by ballot in person, or by proxy, each share entitling the holder to one vote and the majority of the stock shall be necessary to a determination. In case it is determined to continue the liquidation under the superintendent of banks, he shall complete the liquidation of the affairs of such corporation, company, society or association, and after

Distribution. paying the expenses thereof shall distribute the proceeds among the stockholders in proportion to the several holdings of stock, in such manner and upon such notice as may be directed by the common pleas court of the county in which the office of such corporation, company, society or association was located.

Agent's bond. Sec. 742-13. In case it is determined to appoint an agent or agents to liquidate, the stockholders shall thereupon select such agent or agents by ballot,—a majority of the stock present and voting, in person or by proxy, being necessary to a choice. Such agent or agents shall file with the superintendent of banks a bond to the state of Ohio in such amount and with such sureties as shall be approved by the superintendent of banks for the faithful performance of all the duties of his or their trust, and thereupon the superintendent of banks shall transfer to such agent or agents all the undivided or uncollected or other assets of such corporation, company, society or association then remaining in his hands; and upon such transfer and delivery the said superintendent of banks shall be discharged from all further liability to such corporation, company, society or association and its creditors.

Expenses. Sec. 742-14. Such agent or agents shall convert the assets coming into his or their possession into cash, and shall account for and make distribution of the property of such corporation, company, society or association as herein provided in the case of distribution by the superintendent of banks, except that the expenses thereof shall be subject to the direction and control of the common pleas court of the county in which the office of such corporation, company, society or association was located.

Sec. 742-15. In case of death or removal or refusal to act of any such agent, or agents the stockholders may elect a successor as hereinbefore provided who shall have the same powers and be subject to the same liabilities and duties as the agent, or agents originally elected.

Unclaimed deposits, etc. Sec. 742-16. Dividends and unclaimed deposits remaining in the hands of the superintendent of banks for six months after the order for final distribution shall be by him deposited in one or more state banks of deposits, savings banks or trust companies to the credit of the superintendent of banks in his name of office, in trust for the several depositors or creditors entitled thereto. The superintendent of banks may pay over the moneys so held by him to the persons respectively entitled thereto, upon being furnished satisfactory evidence of their right to the same. In cases of doubt or conflicting claims he may apply to the common pleas court of the county in which the office of such corporation, company, society or association was located for an order authorizing and directing the payment thereof. He may apply the interest earned by the money so held by him towards defraying the expenses of the payment and distribution of such unclaimed deposits

**Application to
C. P. court.**

or dividends to the depositors and creditors entitled to receive the same, and he shall include in his annual report to the governor a statement of the amount of interest earned by such unclaimed dividends.

Sec. 743. At the end of each fiscal year, the superintendent of banks shall make an annual report to the governor, which report shall exhibit:

Annual report.

a. A summary of the state and condition of every incorporated bank, savings bank, savings and trust company, safe deposit and trust company, society for savings, savings society, or other corporation included within this chapter, from which reports have been received during the year, with an abstract of the whole amount of capital returned by them, the whole amount of their debts and liabilities, the total amount of means and resources, separating the reports of the various kinds of corporations, and specifying the amount of lawful money held by them at the time of their several returns, and such other information in relation to such banks, societies and associations as in his judgment may be required;

Summary,
showing
financial con-
dition.

b. A statement of the banks, societies or associations whose business has been closed during the year, the amount of their resources and liabilities, and the amount paid to the creditors thereof;

c. The names and compensation of the deputies, assistants, clerks and examiners employed or appointed by him, and the whole amount of expenses of the banking department during the year;

Deputies, etc.

d. The amount of fees and charges received from such banks, societies and associations, and penalties collected and paid into the state treasury;

e. A statement of the banks, societies or associations liquidated or in process of liquidation by the superintendent of banks, and the status of affairs of each of said banks, societies or associations at the time of said report, including the amount of their resources and liabilities and the nature of the same and the amounts paid the creditors.

Sec. 9719. If the cancellation of the stock of any delinquent holder reduces the capital of the corporation below the minimum required by law, the capital of such corporation shall be increased by additional subscription to the minimum required by law, within sixty days from the date of such cancellation; in default of which the superintendent of banks may forthwith take possession of the property and business of such corporation until its affairs be finally liquidated, as herein provided.

Increase of
capital stock.

Sec. 9749. On becoming satisfied that a corporation has refused to pay its depositors in accordance with the terms on which such deposits were received (if received under the provisions of this chapter), or that such corporation has become otherwise insolvent, or that its capital has been impaired for a period of ninety days, or is conducting its business in an unsafe or unauthorized manner,

Causes for su-
perintendent
to take pos-
session.

or if from any examination or report provided for by this chapter the superintendent shall have reason to conclude that such corporation is in an unsound or unsafe condition to transact the business for which it was organized, or that it is unsafe for it to continue business, the superintendent of banks forthwith may take possession of the property and business of such corporation until its affairs be finally liquidated, as herein provided. The superintendent of banks shall not take possession of the property and business of any such corporation which was incorporated under the laws of this state and transacting business at the time of the passage of this act for failure to comply with the provisions of this act, as to transactions made prior to the passage of this act or renewals or settlements and adjustments of such transactions, where the examinations provided for in this act disclose, or any such corporation shows to the satisfaction of such superintendent of banks, that the interest of its depositors, creditors and stockholders will not be endangered by permitting it to continue to transact its regular business.

Exceptions.

"Reserve"
provisions.

Sec. 9760. When the reserve of a commercial bank falls below the amount required by the preceding section, it shall not make new loans or discounts, otherwise than by discounting or purchasing bills of exchange, payable at sight or on demand, nor make dividends of its profits, until the reserve required by law is restored. The superintendent of banks shall notify any bank whose reserve falls below the amount required, immediately to make such reserve good. In case the bank fails for thirty days thereafter to make good its reserve, the superintendent of banks may forthwith take possession of the property and business of such commercial bank until its affairs be finally liquidated, as herein provided.

Public sale of
stock, in cer-
tain cases.

Sec. 9761. No commercial bank, savings bank, safe deposit company or trust company shall loan money on the security or pledge of the shares of its capital stock; nor be the purchaser or holder of any such shares, unless such security or purchase be necessary to prevent loss upon a debt previously contracted in good faith. Stock so acquired, shall within six months from the time of its purchase, be sold or disposed of at public sale on thirty days' notice from the superintendent of banks, and in default thereof the superintendent of banks may forthwith take possession of the property and business of such corporation until its affairs be finally liquidated, as herein provided.

Secrecy.

Sec. 12898. Whoever, being the superintendent of banks, a deputy assistant, clerk in his employ or an examiner, fails to keep secret the facts and information obtained in the course of an examination except when the public duty of such officer requires him to report upon or take official action regarding the affairs of the corporation, company, society or association so examined, or wilfully makes

a false official report as to the condition of such corporation, company, society or association, shall be fined not more than five hundred dollars or imprisoned in the penitentiary not less than one year nor more than five years, or both.

False report:
penalty.

SECTION 2. That said original sections 713, 714, 715, 729, 731, 736, 742, 743, 9719, 9749, 9751, 9760, 9761 and 12898 be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 18, 1910.

JUDSON HARMON,
Governor.
197

[House Bill No. 420.]

AN ACT

To amend sections 1180, 1181, 1182, 1189, 1211, 1217 and 1222 of the General Code relative to highway commissioner, and to provide for state aid in the construction of highways.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1180, 1181, 1182, 1189, 1211, 1217, and 1222 of the General Code, be amended so as to read as follows:

Sec. 1180. The state highway commissioner shall be provided with suitable rooms for the use of the department. Such office shall be open at all reasonable times for the transaction of public business and be furnished by the state with necessary stationery, office supplies and fixtures. In addition to his salary he shall be allowed his necessary traveling expenses incurred in the discharge of his official duties not to exceed twelve hundred dollars in any year.

Office rooms.

Traveling expenses.

Sec. 1181. Subject to the approval of the governor, the state highway commissioner may appoint an assistant highway commissioner, who shall be a competent civil engineer, experienced in road building and serve during the pleasure of the commissioner. In addition to his salary, the assistant highway commissioner shall be paid his necessary traveling expenses not to exceed ten hundred dollars in any year. The commissioner may require the assistant highway commissioner to give bond in such amount and with such sureties as he approved. The assistant state highway commissioner shall perform such duties as shall be required of him by the state highway commissioner, and may, when authorized in writing by the state highway commissioner act officially for him.

Assistant highway commissioner; appointment, qualifications, etc.

Sec. 1182. The state highway commissioner may also appoint three competent civil engineers, each of whom shall

Engineers; appointment, etc.

be allowed in addition to his salary his necessary traveling expenses, not to exceed seven hundred and fifty dollars in any year; a chief clerk, and not to exceed six additional clerks or stenographers. Each such additional clerk or stenographer shall receive such compensation as the commissioner allows, not to exceed nine hundred dollars in any year. The commissioner may require such appointee to give bond in such amount and with such sureties as he approves.

Action upon application.

Sec. 1189. Upon the receipt of an application, the state highway commissioner shall determine whether the highway sought to be improved is of sufficient public importance to come within the purpose of this chapter. In determining the question, he shall consider its use, location and value for common traffic and travel. If the highway commissioner approves of the construction of a highway, he shall certify his approval of the application to the county commissioners and applications not so approved shall remain on file and be available for future approval until withdrawn with his consent or disapproved by him.

20% to be held until contract is completed.

Sec. 1211. Payment of the cost of construction of such improvement shall be made as the work of construction progresses, upon estimates made by the engineer in charge of the work when approved by the state highway commissioner. No payment made by the state or county on a contract for such work before its completion, shall be in excess of eighty per cent. of the value of the work performed. Twenty per cent. of the work performed shall be held until the completion of the contract in accordance with its plans and specifications. Each county or township receiving aid in the construction of improvements under this chapter shall be bound to maintain the highway so improved in good repair for the free use of the public.

Sec. 1217. A turnpike or improved road may be rebuilt in the same manner as provided for the construction of improvements under this chapter, and all laws relating to the construction of improved roads shall apply thereto.

Section 1217-1.

Closing highway, in certain cases.

SECTION 2. If it shall appear necessary to the highway commissioner to close a highway or section thereof which is being constructed, improved or repaired under this act, in order to permit a proper completion of such work, he shall execute a certificate and file the same in the office of the county commissioners of the county in which such highway is situated. Such certificate shall state the necessity for the closing of such highway and describe the portion thereof to be closed; not more than one mile of any highway shall be closed at any one time. County commissioners shall thereupon close the same to public travel by erecting suitable obstruction and posting conspicuous notice to the effect that the highway is closed. They shall, if practicable, provide a new location and construct a temporary highway to be used by the traveling public in

lieu of the closed highway and may erect temporary bridges when necessary, or cause other existing highways to be used. For the purpose of locating, constructing and erecting such temporary highway or bridge the county commissioners may enter upon the lands adjoining or near to the closed highway and may agree with the owners of such land as to the damages, if any, caused thereby. If they are unable to agree with such owners upon the amount of damages thus sustained the amount thereof shall be ascertained, determined and paid as provided by law where new county roads are laid out and established. Whoever rides or drives over a state highway closed to the public as provided by law, shall be fined not less than five dollars nor more than twenty-five dollars.

Temporary
highway.

Penalty.

Section 1217-2.

SECTION 3. The construction and drainage of public road approaches necessary for the protection of a state highway may be included as a part of the improvement of said highway. Upon the completion of said highway, the owners or occupants of adjoining lands shall construct and keep in repair all private approaches or driveways from such highway, under the direction of the county commissioners, but no such approaches or driveways shall be constructed in such manner as to obstruct or interfere with said highway or with any drain or ditch which has been constructed as a part of said highway. Whoever fills up or places any material in a ditch along a state highway so as to interfere with the drainage or the purposes of its construction, or constructs an approach or driveway from a state highway, except as provided by law, shall be fined not less than five dollars nor more than twenty-five dollars.

Drainage.

Penalty.

Sec. 1222. Moneys appropriated by the state for the purpose of carrying out the provisions of this chapter, shall not be used in any manner or for any purpose, except as provided herein. Moneys so appropriated shall be equally divided among the counties of the state, but the amounts so apportioned shall remain in the state treasury until applied for as provided by law. The county commissioners of any county in which a road is constructed under the provisions of this act may, by resolution, waive any part or all of the apportionment of the expense of such road as herein provided to be paid by townships or abutting property owners and assume any part or all of the cost and expense of such road improvement in excess of the amount received from the state up to the entire cost and the expense of such road improvement without contribution from any township or townships or the owners of property abutting upon such road. The township trustees of any township in which a road is constructed under the provisions of this act may, by resolution, waive any part or all of the apportionment of the expense of such road as herein provided to be paid by the county or abutting property owners and assume any part or all of the cost and expense of such road improvement in excess of the amount received

Apportionment
waived by
commissioners.

Apportionment
waived by
trustees.

from the state up to the entire cost and expense of such road improvement without contribution from the county or the owners of property abutting upon such road.

SECTION 4. That said original sections 1180, 1181, 1182, 1189, 1211, 1217 and 1222 be and the same are hereby repealed.

The sectional numbers on the margin hereof are designated as provided by law.
U. G. DENMAN,
Atty. Gen.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 18, 1910.

JUDSON HARMON,

Governor.
198

[House Bill No. 363.]

AN ACT

To amend section 2927 of the General Code authorizing county commissioners to appropriate money for county centennial celebration.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2927 of the General Code, be amended to read as follows:

"County centennial celebration" appropriation.

Sec. 2927. The county commissioners may appropriate from the county fund any sum not to exceed twenty-five hundred dollars towards defraying the expense of a county centennial celebration, but the appropriation of any sum exceeding twenty-five hundred dollars and not to exceed fifteen thousand five hundred dollars shall be upon ratification thereof by a majority of votes cast at the November election. At such election the question of such ratification shall be submitted by the proper board or authority in the usual method or form of submitting questions for submission to the voters of a county. The ballot therefor shall contain the following:

"For the county centennial celebration of Yes."

"For the county centennial celebration of No."

At such election each township may select by ballot, in a separate box provided therefor, two managers who shall be those receiving the largest number of votes therefor.

SECTION 2. That said original section 2927 is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 18, 1910.

JUDSON HARMON,

Governor.
199

[Senate Bill No. 48.]

AN ACT

Regulating benefit certificates of commercial travelers' fraternal beneficiary associations which do not promise natural death benefits, and supplementing section 9469 of the General Code by addition of a section to be known as section 9469-1.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 9469 of the General Code be supplemented as follows:

Sec. 9469-1. The provisions of section ninety-four hundred and sixty-nine of the General Code, requiring the certificate to specify the maximum amount of benefit provided thereby and the conditions governing the payment thereof, shall not apply to the certificates of a fraternal beneficiary association organized under the laws of Ohio, whose membership consists of commercial travelers and which does not obligate itself to pay stipulated amounts of benefits in case of natural death.

Exception as
to commercial
travelers.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 18, 1910.

JUDSON HARMON,
Governor.
200

[Senate Bill No. 60.]

AN ACT

To amend section 9178 of the General Code relating to telegraph company appropriation proceedings.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 9178 of the General Code be amended so as to read as follows:

Sec. 9178. When lands authorized to be appropriated to the use of such company are subject to the easement of a street, alley, public way, or other public use, within the limits of a city or village, the mode of use shall be such as is agreed upon between the municipal authorities of the city or village and the company. If they cannot agree, or the municipal authorities unreasonably delay to enter into an agreement, in a proceeding instituted for the purpose, the probate court of the county shall, subject to the provisions of section eleven thousand forty-six of the General Code, direct in what mode the telegraph line shall be con-

Appropriation
proceedings
by telegraph
company.

structed along such street, alley, or public way, so as not to incommode the public in the use of it.

SECTION 2. That said original section 9178 of the General Code of Ohio, be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 18, 1910.

JUDSON HARMON,

Governor.
201

[Senate Bill No. 124.]

AN ACT

To amend sections 7604, 7605, 7607 and 7609 of the General Code relating to the deposit of school funds upon competitive bidding.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 7604, 7605, 7607 and 7609 of the General Code be amended to read as follows:

Resolution of
board.

Sec. 7604. The board of education of any school district by resolution shall provide for the deposit of any or all moneys coming into the hands of its treasurer. But no bank shall receive a deposit larger than the amount of its paid in capital stock, and in no event to exceed three hundred thousand dollars.

Competitive
bidding.

Sec. 7605. In school districts containing two or more banks such deposit shall be made in the bank or banks, situated therein, that at competitive bidding offer the highest rate of interest which must be at least two per cent. for the full time funds or any part thereof are on deposit. Such bank or banks shall give a good and sufficient bond, or shall deposit bonds of the United States, the state of Ohio, or county, municipal, township or school bonds issued by the authority of the state of Ohio, at the option of the board of education, in a sum not less than the amount deposited. The treasurer of the school district must see that a greater sum than that contained in the bond is not deposited in such bank or banks and he and his bondsmen shall be liable for any loss occasioned by deposits in excess of such bond.

Contract of
board and
bank.

Sec. 7607. In all school districts containing less than two banks, after the adoption of a resolution providing for the deposit of its funds, the board of education may enter into a contract with one or more banks that are conveniently located and offer the highest rate of interest, which shall not be less than two per cent. for the full time the funds or any part thereof are on deposit. Such bank or banks shall

give good and sufficient bond, or shall deposit bonds of the United States, the state of Ohio, or county, municipal, township or school bonds issued by the authority of the state of Ohio, at the option of the board of education, in a sum at least equal to the amount deposited. The treasurer of the school district must see that a greater sum than that contained in the bond is not deposited in such bank or banks, and he and his bondsmen shall be liable for any loss occasioned by deposits in excess of such bond.

Maximum de-
posit.

Sec. 7609. When a depository is lawfully provided, and the funds are deposited therein, the treasurer of the school district and his bondsmen shall be relieved from any liability occasioned by the failure of the bank or banks of deposit or by the failure of the sureties therefor, or by the failure of either of them, except as above provided in cases of excessive deposits.

Bank failure;
effect of.

SECTION 2. That said original sections 7604, 7605, 7607 and 7609 of the General Code be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 18, 1910.

JUDSON HARMON,
Governor.
202

[Senate Bill No. 8.]

AN ACT

To supplement section 6956 of the General Code by section 6956-1 and 6956-2 to provide for the preservation of macadamized and other improved roads.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6956 of the General Code be supplemented by the enactment of sections 6956-1 and 6956-2 as follows:

Section 6956-16

Sec. 6956-1. That when the owners of more than one-half of the foot frontage of the lands abutting upon a macadamized or other improved road or highway shall petition the board of county commissioners of any county, to sprinkle or treat the same with crude oil, liquid asphalt, or other suitable preparations, said commissioners may proceed to carry out prayer of said petition within thirty days after filing the same or as soon thereafter as may be practicable, and may proceed to invite sealed bids for such work or material or both by advertising therefor in some newspaper of general circulation in the county each week for two consecutive weeks, and by posting notices

Roads.

Use of crude
oil.

on a public bulletin board in the county commissioners' office, or the county auditor's office for not less than fifteen days.

Section 6956-17

Cost of improvement;
how paid.

The sectional
numbers on
the margin
hereof are designated as provided by law.
U. G. DENMAN,
Atty. Gen.

Sec. 6956-2. To provide funds for the payment of such improvement, 15% of the total cost of the same shall be assessed against the abutting property or land, in proportion to the length of the frontage of the same, according to benefits resulting thereto and said county commissioners shall direct the county surveyor or engineer who has such work in charge, to make and certify to the county auditor a schedule of the lots and lands with the assessment of each, to be by said auditor placed on the tax duplicate and collected by the county treasurer as other taxes and assessments are collected. The remaining 85% of the cost of said improvement shall be paid for out of the road funds of said county.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed May 10th, 1910.

Approved May 18th, 1910.

JUDSON HARMON,

Governor.
203.

[Senate Bill No. 9.]

AN ACT

To define the jurisdiction of county commissioners and township trustees over roads and highways.

Be it enacted by the General Assembly of the State of Ohio:

Section 6956-18

County roads.

SECTION 1. That the supervision and control of all roads and turnpikes which are known as county roads and were built under supervision of county commissioners either by petition or under existing laws at time same were built, or roads that were built by turnpike companies and afterward acquired by any county, or any road built under a special act shall be under the control of the county commissioners who shall have the power to make levies for repair and maintenance of same: provided that this section shall not be so construed as to authorize the commissioners to refuse to make a levy for road funds under the provisions of sections 5635, 5636, 7419, 7420.

Section 6956-19

Township
roads.

SECTION 2. The supervision of all roads known as township roads which were built under the direction of township trustees by petition or under existing laws at time same were built, shall be under direct control of the township trustees who shall have power to levy for improvement and repair of same.

Section 6956-20

SECTION 3. The officers named in the foregoing section

shall exercise their jurisdiction under the existing laws over those roads as they now stand. The board of county commissioners and the township trustees may enter into an agreement between said boards whereby they may jointly supervise, repair or maintain any state, county or township road in their respective jurisdictions.

Jurisdiction.

The sectional numbers on the margin hereof are designated as provided by law.
J. G. DENMAN,
Atty. Gen.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 18th, 1910.

JUDSON HARMON,
Governor.
204.

[Senate Bill No. 53.]

AN ACT

To amend section 10272 of the General Code, providing for the making of demand in garnishment proceedings.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 10272 of the General Code of Ohio be amended to read as follows:

Sec. 10272. The person bringing an action for necessities first must make a demand in writing for the excess over and above ninety per cent. of the personal earnings of the debtor, and such demand shall be made at least three days and not more than thirty days before such action is brought by delivering such demand to the debtor personally, or by leaving it at the debtor's usual place of residence. No cost or expense shall be chargeable to the defendant debtor in such action if upon such demand he tenders payment in money or duly accepted order, within three days after such demand, for the excess of his personal earnings above ninety per cent. thereof.

Garnishment proceedings in action for necessities.

SECTION 2. That said original section 10272 of the General Code is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 18th, 1910.

JUDSON HARMON,
Governor.
205.

AN ACT

To amend section 9593 of the General Code relating to the organization of mutual protection associations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 9593 of the General Code be amended to read as follows:

Mutual protection associations.

Assessments.

Surplus.

Special hazards.

Section 9593. Any number of persons of lawful age, not less than ten in number, residents of this state, or an adjoining state and owning insurable property in this state, may associate themselves together for the purpose of insuring each other against loss by fire and lightning, cyclones, tornadoes or wind storms, hail storms and explosions from gas, on property in this state, and also assess upon and collect from each other such sums of money, from time to time, as are necessary to pay losses which occur by fire and lightning, cyclones, tornadoes, wind storms, hail storms and explosions from gas to any members of such association. The assessment and collection of such sums of money shall be regulated by the constitution and by-laws of the association, which shall require such assessments to be made directly and specifically upon the members and to be paid directly and specifically by them and not out of any fund deposited with the association or other trustee in anticipation of assessments or in any other manner except that any such association may borrow money for the payment of losses and expenses, such loans not to be made for a longer period than the collection of their next assessment: and such association may also accumulate a surplus from its assessments not exceeding \$2.00 on each \$1,000.00 of insurance in force, such surplus to be used in paying losses and expenses that may occur and if invested to be under the provisions of sections ninety-five hundred and eighteen and ninety-five hundred and nineteen of the General Code. Such associations may only insure farm buildings, detached dwellings, school houses, churches, township buildings, grange buildings, farm implements, farm products, live stock, household goods, furniture and other property not classed as extra hazardous and such property may be located within or without the limits of any municipality; provided that an association whose membership is restricted to persons engaged in any particular trade or occupation and its insurance confined to any particular kind or description of property may insure property classed as extra hazardous and located in any county or counties in this state.

SECTION 2. That original section 9593 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 18th, 1910.

JUDSON HARMON,
Governor.
 206.

[Senate Bill No. 85.]

AN ACT

To amend section 3056 of the General Code so as to provide allowances to law library associations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3056 of the General Code be amended so as to read as follows:

Sec. 3056. All fines and penalties assessed and collected by the police court for offenses and misdemeanors prosecuted in the name of the state, except a portion thereof equal to the compensation allowed by the county commissioners to the judges, clerk and prosecuting attorney of such court in state cases shall be retained by the clerk and be paid by him quarterly to the trustees of such law library associations, but the sum so retained and paid by the clerk of said police court to the trustees of such law library association shall in no quarter be less than 15% of the fines and penalties collected in that quarter without deducting the amount of the allowances of the county commissioners to said judges, clerk and prosecutor. In all counties the fines and penalties assessed and collected by the common pleas court and probate court for offenses and misdemeanors prosecuted in the name of the state, shall be retained and paid quarterly by the clerk of such courts to the trustees of such library association, but the sum so paid from the fines and penalties assessed and collected by the common pleas and probate courts shall not exceed five hundred per annum. The moneys so paid shall be expended in the purchase of law books and the maintenance of such association.

Allowances
to law li-
braries; police
court.

C. P. court
and probate
court
allowances.

SECTION 2. That original section 3056 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 18th, 1910.

JUDSON HARMON,
Governor.
 207.

[House Bill No. 218.]

AN ACT

To amend section 7748 of the General Code relating to the duty of boards of education to graduates in third grade high schools.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7748 of the General Code, be amended so as to read as follows:

Tuition of
graduates of
third grade
high school.

Sec. 7748. A board of education providing a third grade high school as defined by law shall be required to pay the tuition of graduates from such school residing in the district at any first grade high school for two years, or at a second grade high school for one year and a first grade high school for one year. Such a board providing a second grade high school as defined by law shall pay the tuition of graduates residing in the district at any first grade high school for one year; except that, a board maintaining a second or third grade high school is not required to pay such tuition when a levy of twelve mills permitted by law for such district has been reached and all the funds so raised are necessary for the support of the schools of such district. No board of education is required to pay the tuition of any pupil for more than four school years; except that it must pay the tuition of all successful applicants, who have complied with the further provisions hereof, residing more than four miles by the most direct route of public travel, from the high school provided by the board, when such applicants attend a nearer high school, or in lieu of paying such tuition the board of education maintaining a high school may pay for the transportation of the pupils living more than four miles from the said high school, maintained by the said board of education to said high school. Where more than one high school is maintained, by agreement of the board and parent or guardian, pupils may attend either and their transportation shall be so paid. A pupil living in a village or city district who has completed the elementary school course and whose legal residence has been transferred to a township or special district in this state before he begins or completes a high school course, shall be entitled to all the rights and privileges of a Boxwell-Patterson graduate.

Transporta-
tion of pupils.

Removal from
village or city;
effect of.

SECTION 2. That said original section 7748 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 19th, 1910.

JUDSON HARMON,
Governor.
208.

[House Bill No. 497.]

AN ACT

To amend sections 4380, 4487 and 4505 of the General Code relating to suspension, reduction and dismissal of members of the police and fire departments.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4380, 4487 and 4505 of the General Code be amended so as to read as follows:

Sec. 4380. If any such employe is suspended as herein provided, the chief of police or the chief of the fire department, as the case may be, forthwith in writing, shall certify such fact, together with the cause for such suspension to the director of public safety, who within five days from the receipt thereof, shall proceed to inquire into the cause of such suspension and render judgment thereon, which judgment, if the charge be sustained, may be either suspension, reduction in rank or dismissal from the department, and such judgment in the matter shall be final except as otherwise provided in this sub-division. Said director, in any investigation of charges against a member of the police or fire department shall have the same powers to administer oaths and to secure the attendance of witnesses and the production of books and papers as are conferred by this subdivision upon the mayor.

Reduction and
dismissal; po-
lice and fire
departments.

Sec. 4487. The director of public safety may suspend any of the employes of the police or fire department who are by law under his exclusive management and control, for incompetence, gross neglect of duty, gross immorality, habitual drunkenness, failure to obey orders given him by the proper authority, or for any other reasonable and just cause, and shall forthwith notify such employee of the charges against him, and, within five days thereafter, shall proceed to inquire into such charges and render his judgment thereon, which judgment, if the charge be sustained, may be either suspension, reduction in rank or dismissal from the department, and such judgment in the matter shall be final, except as otherwise provided in this subdivision.

Causes for
suspension.

Sec. 4505. Any person in the police or fire department who is suspended, reduced in rank or dismissed from the department by the director of public safety may appeal from the decision of such officer to the civil service commission within ten days from and after the date of such suspension, reduction or dismissal, in which event said director shall, upon notice from the commission of such appeal, forthwith transmit to the commission a copy of the charges and proceedings thereunder, and the commission shall hear such appeal within ten days from and after the filing of the same with it, and may affirm, disaffirm or modify the judgment of the director of public safety, and its judgment in the matter shall be final. The

Appeal.

commission, in all hearings or appeals before it, shall have the same powers to administer oaths and to secure the attendance of witnesses and the production of books and papers as are conferred in this chapter upon the mayor.

SECTION 2. That said original sections 4380, 4487 and 4505 be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 12th, 1910.

JUDSON HARMON,
Governor.
209.

[Senate Bill No. 41.]

AN ACT

To amend section 7641 of the General Code, by authorizing township school districts to levy a tax for the use of public libraries.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7641 of the General Code be amended to read as follows:

Sec. 7641. The board of education in any city, village, township or special school district may contract annually with any library corporation or other organization owning and maintaining a library or with any board of trustees appointed by authority of law, having the management and control of a library, for the use of such library by the residents of such district and it annually may levy a tax not exceeding one mill on the taxable property of such district to pay therefor. Such board of education shall require an annual report in writing from such library corporation or other organization or board of trustees.

SECTION 2. That said original section 7641 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 19th, 1910.

JUDSON HARMON,
Governor,
210.

Library tax
levy.

[Senate Bill No. 182.]

AN ACT

To amend section 4726 of the General Code by providing that the question of centralization of township schools be submitted at special elections.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4726 of the General Code be amended so as to read as follows:

Sec. 4726. A township board of education may submit the question of centralization, and, upon the petition of not less than one-fourth of the qualified electors of such township district, must submit such question to the vote of the qualified electors of such township district, at a general election or a special election called for that purpose. If more votes are cast in favor of centralization than against it, at such election, such board of education shall proceed at once to the centralization of schools of the township, and, if necessary purchase a site or sites and erect a suitable building or buildings thereon.

Question of
centralization
to be sub-
mitted to
vote.

If, at such election, more votes are cast against the proposition of centralization than for it, the question shall not again be submitted to the electors of such township district for a period of two years.

Result effective
for two
years.

SECTION 2. That said original section 4726 of the General Code be and the same is hereby repealed.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed May 10th, 1910.

Approved May 19th, 1910.

JUDSON HARMON,

Governor.

211.

[House Bill No. 223.]

AN ACT

To provide for draining and reclaiming for agricultural purposes, of marsh land, low land, and land covered with water.

Be it enacted by the General Assembly of the State of Ohio:

Section 6535-1. SECTION 1. The commissioners of any county at a regular or called session may, in manner provided in this act, cause to be drained, protected, improved and reclaimed any marsh land, or land in any marsh, or land which is covered with water, or which is too low or too wet for agricultural pursuit thereon and cannot be efficiently drained by ditches or drains on account of insufficient fall to water level, or which is subject to overflow

Marsh land;
draining, re-
claiming, etc.

from any cause, so as to make and maintain such land available and suitable for agricultural purposes, if in the opinion of the commissioners such improvement will be conducive to public health, convenience or welfare.

Section 6535-2. **Petition to commissioners.** SECTION 2. One or more persons owning any marsh land, or land in any marsh, or land which is covered with water, or is too low or too wet for agricultural purposes, and can not be efficiently drained by ditches or drains on account of insufficient fall to water level, or which is subject to overflow from any cause, may petition the commissioners of the county in which said land is located, to cause such land, and other land of a similar nature or which is in a similar condition, owned by other persons or corporations, which, in the opinion of petitioner or petitioners will be benefited by the proposed improvement, to be drained, improved, protected and reclaimed by draining, tiling, dredging, diking, pumping the water off of such lands, or otherwise improving the same so as to make and maintain such lands available and suitable for agricultural purposes. Said petition shall state as nearly as possible the names of the owners of land which will be in any way affected or benefited by said proposed improvement, and shall approximately state the nature and extent of the improvement desired.

Section 6535-3. **Bond.** SECTION 3. Said petitioner or petitioners shall file with said petition with the county auditor, a bond with sufficient surety to the acceptance of the county auditor, in the sum of two hundred dollars, conditioned that if the prayer of said petitioner is not granted, or be dismissed for any cause, said petitioner or bondsmen will pay all the expenses incurred in said proceedings.

Section 6535-4. **Service of copy of notice.** SECTION 4. Upon the filing of said petition and bond, the county auditor shall notify the commissioners of the filing thereof, and shall fix a day for the hearing thereon not more than thirty days from the date of such notice. The auditor shall prepare and deliver to the petitioners or any one of them, a written notice directed to the lot and land owners and to the corporations, either public or private affected by the proposed improvement, setting forth the substance, pendency and prayer of the petition. The county auditor shall also prepare copies of the notice. One copy of the notice shall be served upon each lot or land owner or left at his usual place of residence, and upon an officer or agent of each public or private corporation having its place of business in the county, at least fifteen days before the day set for hearing. The person who serves such copies shall make return on the notice, under oath, of time and manner of service and file it with the auditor on or before such day.

Section 6535-5. **Non-resident provision.** SECTION 5. If the owner of any of said lands which are alleged to be benefited by said improvement are non-residents of this state, said notice shall be published once a week for two consecutive weeks in a newspaper of gen-

eral circulation in said county, and the proof of said publication shall be returned to the auditor, and in case of such publication the fifteen days shall be reckoned from the date of the last publication.

Section 6535-6. SECTION 6. At the time set for said hearing if all persons interested in said improvement have not been served with notice as hereinbefore provided, said commissioners shall adjourn said hearing to a future day and cause notice to be made complete, and when all persons have been duly served, said commissioners shall, at their first meeting thereafter to which such hearing had been adjourned, hear the evidence and arguments for and against said improvement presented by any person interested, or their agents or attorneys, and if, in the opinion of said commissioners, or a majority thereof, the said proposed improvement is practicable and necessary to drain or improve or reclaim the lands included in said proposed improvement, or will protect such lands against overflow, or back water, and that such land will be benefited thereby and will make it available and suitable for agricultural purposes, and that the proposed improvement will be conducive to the public health, convenience or welfare, they shall grant the improvement, otherwise they shall dismiss the petition and collect the costs of said proceedings from the petitioners or their said bondsmen.

Adjournment.

Action of commissioners.

Section 6535-7. SECTION 7. If the commissioners find for the improvement they shall, on the same day, appoint a competent engineer, who shall have charge of the proposed improvement, and they shall set a time and place for the hearing of the engineer's report, which hearing shall not be later than sixty days after the granting of said petition, and they shall have the power to adjourn from time to time as may be found necessary by them.

Engineer's report.

Section 6535-8. SECTION 8. All persons interested in said proceedings shall be required to take notice of all acts of the commissioners after notice has once been served upon them.

Section 6535-9. SECTION 9. The engineer appointed by the commissioners shall go upon the land and make the necessary surveys, plans, specifications, maps, plats, profiles and estimates, showing in detail the amount and kind of ditches, dredge-cuts, dikes, kind of pumps or other devices to be installed to remove the water from such lands, machinery and other material and the location of the same, and labor required for the completion of said improvement and the estimate cost of the same, together with a schedule of all the lands and the owners thereof, that, in his opinion, would be benefited by the improvement, and apportion the cost thereof among said land owners according to the benefits, and he shall make his report to the commissioners within thirty days after said order, unless the commissioners shall extend the time for the filing of said report.

Plans and specifications.

Apportionment of cost.

Section 6535-10 SECTION 10. If the commissioners shall appoint an engineer who is not a county surveyor of the county in

which such improvement is made, he shall give bond, conditioned for the faithful performance of his duty, in such an amount as the commissioners may require.

Section 6535-11 **SECTION 11.** The commissioners shall, at their discretion, have power to discharge and remove the engineer appointed and fill the vacancy thus created, or created by any other cause, by the appointment of another competent engineer.

Section 6535-12 **SECTION 12.** At the time and place set for the hearing of the engineer's report, if the commissioners find that said report includes as benefited any lands not named in the original petition they shall cause said meeting to be adjourned to a future day and require notice to be served on the owners of said lands not included originally as hereinbefore provided, and when all such persons have been served, said commissioners shall hear any objections that may be made to said report of the engineer, and shall approve said report or amend the same, as in their opinion is best, in order to accomplish the object of the proposed improvement. If the commissioners find that the apportionment of the cost of said proposed improvement, as reported by the engineer, is unfair and ought not to be confirmed, they shall amend it so as to make it fair and just in proportion to benefits.

Section 6535-13 **SECTION 13.** The commissioners may appropriate any land that may be needed for the construction of said improvement or any part thereof or for any right-of-way to and from said improvement to connect with the public road or roads, and any person or corporation, except idiots, insane persons, or minors affected by said improvement, who may claim any compensation or damages by reason of the taking of any land for said purpose or the construction of said improvement, shall present their claim in writing to the commissioners on or before the final hearing of the engineer's report, and failure to so present such claim for compensation or damages shall be held to be a waiver of said claim.

Section 6535-14 **SECTION 14.** The county commissioners upon actual view of the premises shall fix and allow such compensation for lands appropriated as they deem just and equitable, and assess damages as, in their judgment, will accrue from the construction of the improvement, to each person or corporation making application therefor as is provided in this section, and without such application, to each idiot, insane person, or minor owning lands taken or affected by the improvement. Such compensation shall be computed without deduction for benefits to any property of such person or corporation.

Section 6535-15 **SECTION 15.** On the final adoption of the engineer's report, the commissioners shall advertise for bids for performing the labor and furnishing machinery and the material according to the plans and specifications, by publishing said advertisement, for such length of time and in such

manner as the said commissioners shall determine, which advertisement shall specify the time and place of receiving said bids, the amount of bonds or other security required, conditioned on the entering into a contract, if awarded the same, and such other matters as they may deem proper.

Section 6535-16 SECTION 16. Contracts may be entered into for the whole or any part of the work, and each contractor or firm awarded any contract shall furnish bond with security acceptable to the commissioners in an amount equal to, or greater, than his bid, as the commissioners may decide, payable to the state of Ohio for the use of the county, conditioned on the faithful performance and fulfillment of the said contract. **Bond.**

Section 6535-17 SECTION 17. Payments upon any such contract shall be made upon a certificate of the engineer when the contract is complete, subject to the acceptance of the same by the commissioners.

Section 6535-18 SECTION 18. When the improvement is completed, or sooner if deemed necessary, the commissioners shall provide for the operation, maintenance, repair or improvement of the machinery or other appliances and of the improvement for the purpose of keeping the water off such lands, either by advertising for bids for such operation, maintenance, repair or improvement, or by purchasing fuel and other necessary material, and employing such person or persons to operate such machinery and appliances as may have been installed in such manner as to efficiently drain such land for the purpose of agricultural pursuits thereon, or the commissioners may let the contract for the contractor to furnish, install and operate his own machinery and appliances, or any part thereof. **Drainage.**

Section 6535-19 SECTION 19. If bids are received as herein specified the commissioners shall cause specifications to be prepared, specifying the manner in which such draining and other work shall be performed, and any person or persons who may be awarded such contracts shall furnish a bond in amount and with securities to the satisfaction of the commissioners, each year during the term of his contract in an amount not less than the amount of his contract per year, payable to the state of Ohio for the benefit of any person interested in said lands. Any such contract shall be for a term not longer than ten years. **Bond.**

Section 6535-20 SECTION 20. At the expiration, or within the last year of any such contract or any subsequent contract herein provided, the commissioners shall, if petitioned by any person or persons whose land is assessed or taxed for such improvement, let a new contract in the same manner as is provided in this section for making and letting the first contract. **New contract.**

Section 6535-21 SECTION 21. The commissioners shall each year while said improvement is being carried on levy such assessments on all the lands benefited by the operation, as will **Assessment.**

in their opinion, pay all the expenses and outlays of the improvement for the following year, together with any unpaid costs and expenses and collect such assessments for maintenance and improvements as is provided by law for collecting special assessments, and all assessments shall be made according to benefits, and shall be a lien on the lands benefited. The commissioners shall have the power to issue certificates of indebtedness in anticipation of the collection of the assessments.

Section 6535-22 SECTION 22. Payments of operating or other ex-
Payments. penses shall be made at such time and in such manner as
the commissioners may decide, which shall be specified in
the contract or contracts.

Section 6535-23 SECTION 23. All acts and laws regulating and gov-
The sectional erning the establishment, construction and maintenance of
numbers on single county ditches, fixing fees and compensation for
the margin service rendered thereunder, and governing the determina-
hereof are des- tion of the amount due for land taken and damages to the
ignated as pro- remaining land of land owners, in force at the time when
vided by law. any proceeding for improvement under this act is begun,
U. G. DENMAN, shall apply to and become a part of this act, and shall gov-
Atty. Gen. ern the proceeding for an improvement in this act pro-
Improved vided as far as applicable, unless especially otherwise pro-
defined. vided in this act, and the word "ditch" or "ditches" in
such laws, insofar as applicable shall for that purpose be
held to mean "improvement." The word "improvement"
as used in this section shall embrace and include any and
all work, materials, improvements and all things author-
ized by this act.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.
Approved May 19th, 1910.

JUDSON HARMON,
Governor.
212.

[House Bill No. 402.]

AN ACT

To amend sections 7638 and 7639 of the General Code relating to
library boards and maintenance of libraries.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 7638 and 7639 of the Gen-
eral Code be amended so as to read as follows:

Powers of Sec. 7638. By a two-thirds vote of its members such
library board. library board may purchase or lease grounds and build-
ings, and erect buildings for library purposes. It also
may appropriate land for library purposes if the owner

and the board cannot agree upon terms, and dispose of land when, in its opinion, it is no longer needed for library purposes. Conveyances made by the board shall be executed in its name by its president and secretary. In the event any balance to the credit of the library fund shall remain in the treasury at the close of any fiscal year, such surplus or any part thereof may be set aside by a two-thirds vote of the members of the board as a special building and repair fund. It may accept any gift, devise or bequest for the benefit of such library. No member of the library board shall be interested, directly or indirectly, in any contract made by the board. It shall report annually in writing to the board of education.

Repair fund.

Sec. 7639. Such board of library trustees annually, during the month of May, shall certify to the board of education the amount of money needed for increasing, maintaining and operating the library during the ensuing year in addition to the funds available therefor from other sources. The board of education annually shall levy on each dollar of taxable property within such school district, in addition to all other levies authorized by law, such assessment not exceeding one and one-half mills, as shall be necessary to realize, without reduction, the sum so certified, which must be placed on the tax duplicate and collected as other taxes.

Tax levy.

SECTION 2. That said original sections 7638 and 7639 of the General Code be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.
Approved May 19th, 1910.

JUDSON HARMON,
Governor.
213.

[House Bill No. 423.]

AN ACT

To amend sections 7823 and 7846 of the General Code, relative to teachers' professional certificates.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 7823 and 7846 of the General Code be amended so as to read as follows:

Sec. 7823. Applicants for five-years' or eight-years' certificates shall have had not less than forty months' experience in teaching and shall make not less than eighty-five per cent. in any branch and a general average of not less than ninety-two per cent., and such certificates shall

Professional certificates.

be regarded as professional certificates. They shall be renewed without examination at the discretion of the examining board, except that no such certificate will be renewable if the holder thereof has not been actively engaged in teaching within the four years preceding. Such professional certificates shall be valid in any county in the state.

General aver-
age.

Sec. 7846. Applicants for five-years' and eight-years' certificates shall have had not less than forty months' experience in teaching and shall make not less than eighty-five per cent. in any branch and a general average of not less than ninety-two per cent., and such certificates shall be regarded as professional certificates and be renewed without examination at the discretion of the examining board, except that no such certificate will be renewable if the holder has not been actively engaged in teaching within the four years preceding.

SECTION 2. That said original sections 7823 and 7846 be and the same are hereby repealed.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed May 10th, 1910.

Approved May 19th, 1910.

JUDSON HARMON,

Governor.
214.

[House Bill No. 478.]

AN ACT

To amend sections 7880, 7882 and 7883 of the General Code, relating to teachers' pension laws.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 7880, 7882 and 7883 of the General Code be amended so as to read as follows:

Retirement by
board.

Sec. 7880. Such board of education of such school district, and a union, or other separate board, if any, having the control and management of the high schools of such district, may each by a majority vote of all the members composing the board on account of physical or mental disability, retire any teacher under such board who has taught for a period aggregating twenty years. One-half of such period of service must have been rendered by such beneficiary in the public schools or high schools of such school district, or in the public schools or high schools of the county in which they are located, and the remaining one-half in the public schools of this state or elsewhere.

Voluntary re-
tirement.

Sec. 7882. Any teacher may retire and become a beneficiary under this chapter who has taught for a period aggregating thirty years. But one-half of such term of service must have been rendered in the public schools or

in the high schools of such school district, or in the public schools or high schools of the county in which the district is located, and the remaining one-half in the public schools of this state or elsewhere.

Sec. 7883. Each teacher so retired or retiring shall be entitled during the remainder of his or her natural life to receive as pension, annually, twelve dollars and fifty cents for each year of service as teacher, except that in no event shall the pension paid to a teacher exceed four hundred and fifty dollars in any one year. Such pensions shall be paid monthly during the school year.

Pension:
\$12.50 for
each year's
service.

SECTION 2. That said original sections 7880, 7882 and 7883 be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 19th, 1910.

JUDSON HARMON,
Governor.
215.

[House Bill No. 482.]

AN ACT

To amend section 7733 of the General Code, relative to transportation of pupils in village school districts with or without attached territory.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7733 of the General Code be amended to read as follows:

Sec. 7733. At its option, the board of education in any village school district may provide for the conveyance of the pupils of the district or any adjoining district, to the school or schools of the district, the expense of conveyance to be paid from the school funds of the district in which such pupils reside. But such boards as so provide transportation, shall not be required to transport pupils living less than one mile from the school house or houses.

Conveyance of
pupils.

SECTION 2. That said original section 7733 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 19th, 1910.

JUDSON HARMON,
Governor.
216.

[House Bill No. 377.]

AN ACT

To authorize the governor, by and with the approval of the board of public works, to grant, bargain, sell, and convey certain real estate in Pickaway county, to Norfolk and Western Railway Company.

WHEREAS, The board of public works, the canal commission and chief engineer of public works, have declared that the lands hereinafter described, are not necessary for the actual use, efficiency and operation of a canal of the state; and

WHEREAS, Norfolk and Western Railway Company has for many years been maintaining and operating its railway on said lands, under a lease from the state; and,

WHEREAS, Said railway company is now making extensive, lasting and permanent improvements to its railway, is undertaking to obtain a fee simple title to all of its rights of way; and it is necessary for said railway company, in order to accommodate its existing and future traffic, to lay down and operate in the state of Ohio, a double track railway system, and the real estate hereinafter described is necessary for such purpose and not necessary for canal purposes; therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The governor, by and with the approval of the board of public works, be and he is hereby empowered to grant and convey to Norfolk and Western Railway Company, its successors and assigns, the following real estate, to-wit:

Sale of land
to N. & W.
Ry. Co.

Description.

Situated in Pickaway county, Ohio, commencing at a point in the east water line of the Ohio Canal, opposite Station 0 x 80, of J. W. Stump survey of the encroachments of the Norfolk and Western Railway Company's railway on the berme bank of said Ohio Canal, which point is in the north line of High street in the city of Circleville in said county, and running thence S. 57 degrees 30' E. 25 feet; thence N. 34 degrees 45' E. 150 feet; thence N. 36 degrees 20' E. 100 feet; thence north 29 degrees 50' E. 75 feet; thence N. 25 degrees E. 100 feet; thence N. 27 degrees E. 200 feet; thence N. 14 degrees E. 200 feet; thence N. 12 degrees E. 100 feet; thence N. 14½ degrees E. 300 feet; thence N. 10 degrees E. 100 feet; thence N. 14 degrees 45' E. 400 feet; thence N. 13 degrees 20' E. 200 feet; thence N. 11 degrees 30' E. 200 feet; thence N. 14 degrees 40' E. 85 feet; thence N. 50 degrees 15' E. 55 feet; thence N. 26 degrees 40' E. 105 feet; thence N. 18 degrees 20' E. 200 feet; thence N. 11 degrees 20' E. 300 feet; thence N. 76 degrees 10' W. 50 feet; thence N. 10 degrees 30' E. 167 feet; thence N. 5 degrees 30' E. 317 feet; thence N. 14 degrees 30' E. 75 feet; thence N. 6 degrees 45' E. 215 feet;

thence N. 3 degrees 20' E. 275 feet; thence N. 38 degrees 45' W. 30 feet; thence N. 5 degrees 10' E. 2000 feet along the west rail of the main track of the Norfolk and Western Railway; thence N. 2 degrees E. 200 feet; thence N. 45' E. 100 feet; thence N. 5 degrees 45' W. 100 feet; thence N. 1 degree 20' W. 85 feet; thence N. 30 degrees 30' E. 65 feet; thence N. 1 degree 15' W. 100 feet; thence N. 7 degrees 40' W. 225 feet; thence N. 35 degrees 20' W. 45 feet; thence N. 3 degrees 40' W. 1030 feet along the west rail of the main track of the said railway; thence N. 6 degrees 20' W. 175 feet; thence N. 30' E. 300 feet; thence N. 4 degrees W. 350 feet; thence N. 8 degrees W. 85 feet; thence N. 4 degrees 30' W. 300 feet; thence N. 10 degrees 15' W. 150 feet; thence N. 6 degrees 45' W. 125 feet; thence N. 15 degrees 45' W. 100 feet; thence N. 9 degrees 15' W. 90 feet; thence N. 15 degrees 10' W. 600 feet along the east rail of the main track of the said railway; thence N. 10 degrees W. 125 feet; thence N. 14 degrees W. 82 feet; thence N. 21 degrees 15' W. 95 feet; thence N. 2 degrees 10' E. 100 feet; thence N. 8 degrees 15' W. 100 feet; thence N. 10 degrees 40' W. 900 feet; thence N. 19 degrees 45' W. 175 feet; thence N. 13 degrees W. 150 feet; thence N. 10 degrees 30' W. 280 feet to a point opposite Station 122 of said survey; thence N. 10 degrees 15' E. 25 feet to the west bank of Mud Run; thence with the westerly line of Mud Run 2962 feet to a point in the west bank of said run, opposite to Station 150 x 90 of said J. W. Stump survey of the canal north of Circleville; thence N. 52 degrees 50' W. 40 feet to a point on the south bank of said run; thence S. 64 degrees 15' W. 58 feet to a point 20 feet east of the east water line of said Ohio Canal, which point is at the east end of a stone culvert which carries the waters of Mud Run under said canal; thence S. 23 degrees 30' E. 215 feet to a point 12 feet from the east water line of said Ohio Canal and opposite Station 149 of said Stump survey of said canal; thence S. 10 degrees 40' E. 100 feet to a point in the east water line of said canal; thence southerly along said east water line of the said canal, 4100 feet to a point opposite Station 107 of said Stump survey of said canal; thence S. 17 degrees 10' E. 100 feet to a point opposite Station 106 of said Stump survey of said canal; said point being 12 feet east of the east water line of said canal; thence southerly and parallel with said east water line of said canal and 12 feet easterly therefrom, 2385 feet to a point opposite Station 82 of said Stump's survey of said canal and 12 feet easterly from said east water line of said canal; thence S. 4 degrees 30' E. 200 feet to a point in the east water line of said Ohio Canal; thence southerly along said east water line of said canal 7920 feet; more or less, to the place of beginning, containing thirteen and four-tenths (13.4) acres, reserving and excepting, however, a strip twelve and twelve one-hundredths (12.12) feet in width off the west side of said real estate, the same being

necessary for the berme bank of said canal, and the entire appraised value of said premises being three thousand dollars (\$3,000.00).

Conditions of
sale.

Said conveyance is to be made upon the condition that said railway company pay into the state treasury such sum of money as the governor and board of public works may determine to be the reasonable value of said premises, and that the watercourse known as Mud Run be maintained as a ditch, or another waterway, satisfactory to the board of public works, be furnished in its place by and at the expense of said railway company.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 19, 1910.

JUDSON HARMON,
Governor.
217

[House Bill No. 452.]

AN ACT

To amend sections 7763, 7765, 7766, 7767, 7768, 7769, 7770, 7771, 7772, 7773, 12975 and 12977 of the General Code, relating to school attendance and the issuing of school certificates to children under sixteen years of age and penalties for violation of same.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 7763, 7765, 7766, 7767, 7768, 7769, 7770, 7771, 7772, 7773, 12975 and 12977 of the General Code be amended so as to read as follows:

School attend-
ance.

Sec. 7763. Every parent, guardian or other person having charge of any child between the ages of eight and fourteen years must send such child to a public, private or parochial school, for the full time that the school attended is in session, which shall in no case be for less than twenty-eight weeks. Such attendance must begin within the first week of the school term, unless the child is excused therefrom by the superintendent of the public schools, in city or other districts having such superintendent, or by the clerk of the board of education in village, special and township districts not having a superintendent, or by the principal of the private or parochial school upon satisfactory showing, either that the bodily or mental condition of the child does not permit of its attendance at school, or that the child is being instructed at home by a person qualified, in the opinion of such superintendent, or clerk as the case may be, to teach the branches named in the next preceding section.

Sec. 7765. No child under sixteen years of age shall

be employed or be in the employment of any person, company or corporation during the school term and while the public schools are in session, unless such child presents to such person, company or corporation an age and schooling certificate herein provided for as a condition of employment, who shall keep the same on file for inspection by the truant officer or officers of the department of workshops and factories.

Employment
restrictions.

Sec. 7766. An age and schooling certificate shall be approved only by the superintendent of schools, or by a person authorized by him, in city or other districts having such superintendent, or by the clerk of the board of education in village, special and township districts not having such a superintendent, upon satisfactory proof that such child is over fourteen years of age, and that such child has been examined and passed a satisfactory fifth grade test in the studies enumerated in section seventy-seven hundred and sixty-two; provided, that residents of other states who work in Ohio must qualify as aforesaid with the proper school authority in the school district in which the establishment is located, as a condition of employment or service, and that the employment contemplated by the child is not prohibited by any law regulating the employment of children under sixteen years of age. Every such age and schooling certificate shall be signed in the presence of the officer issuing the same, by the child in whose name it is issued. The age and schooling certificate must be formulated by the state commissioner of common schools and furnished, in blank, by the clerk of the board of education. Any child between fourteen and sixteen years of age, who shall cease to work for any cause whatever shall report the fact and cause at once to the superintendent of schools, or by a person authorized by him, in city or other districts having such superintendent, or to the clerk of the board of education in village, township or special districts not having such superintendent; said child shall be required to return to school within two weeks, provided other employment is not secured within such time; provided, that should a child in the opinion of the superintendent or person authorized by him in cities and districts having such superintendent or the clerk of the board of education in village, township, or special districts lose his employment by reason of persistent, wilful misconduct or continuous inconstancy, he may be placed in school until the close of the current school year. The superintendent of schools, or the person authorized by him to issue age and schooling certificates, shall not issue such certificate until he has received, examined and approved and filed the following papers duly executed: (1) The written pledge or promise of the person, partnership or corporation to legally employ the child, also the written agreement to return to the superintendent of schools or to the person authorized by the superintendent of schools to

Approval of
certificate.

Form of cer-
tificate.

Pledge of em-
ployer.

Birth certifi-
cate.

Health certifi-
cate.

Part time day
schools.

issue such certificate, the age and schooling certificate of the child, within two days from date of the child's withdrawal or dismissal from the service of the person, partnership or corporation, giving the reason for such withdrawal or dismissal; (2) the school record of such child properly filled out and signed by the principal or other person in charge of the school which such child last attended, giving the name, age, address, standing in studies enumerated in section seven thousand seven hundred and sixty-two and number of weeks attendance in school during the year previous to applying for such school record, and general conduct; (3) a passport or duly attested transcript of the certificate of birth or baptism or other religious record, showing the date and place of birth of such child; a duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics, or other officer charged with the duty of recording births, shall be conclusive evidence of the age of the child; or the affidavit of the parent or guardian or custodian of the child applying for an age and schooling certificate showing the place and date of birth of such child, which affidavit must be taken before the officer issuing the age and schooling certificate, who is hereby authorized and required to administer such oath, and who shall not receive or demand a fee therefor; (4) when a reasonable doubt exists in the mind of the superintendent or the person authorized by him that the child has not reached the normal development of a child of its age and is not in sound health and physically able to perform the work which it intends to do, he shall require of the parent or guardian a certificate from the board of health showing that the child is able to perform the work he is to be employed at.

Sec 7767. All minors over the age of fourteen and under the age of sixteen years, who have not passed a satisfactory fifth grade test in the studies enumerated in section seventy-seven hundred and sixty-two, shall attend school as provided in section seventy-seven hundred and sixty-three, and all the provisions thereof shall apply to such minors.

In case the board of education of any school district establishes part time day schools for the instruction of youth over fourteen years of age who are engaged in regular employment, such board of education is authorized to require all youth who have not satisfactorily completed the eighth grade of the elementary schools, to continue their schooling until they are sixteen years of age; provided, however, that such youth if they have been granted age and schooling certificates and are regularly employed, shall be required to attend school not to exceed eight hours a week between the hours of 8 a. m. and 5 p. m. during the school term. All youth between fourteen and sixteen years of age, who are not employed, shall be required to attend school the full time.

Sec. 7768. Every child between the ages of eight and fourteen years, and every child between the ages of fourteen and sixteen years not engaged in some regular employment, who is an habitual truant from school, or who absents itself habitually from school, or who, while in attendance at any public, private or parochial school, is incorrigible, vicious or immoral in conduct, or who habitually wanders about the streets and public places during school hours having no business or lawful occupation, or violates any of the provisions of this act, shall be deemed a delinquent child, and shall be subject to the provisions of law relating to delinquent children.

Truants.

Sec. 7769. To aid in the enforcement hereof, truant officers shall be appointed as follows: In city districts the board of education must appoint and employ a truant officer, and may employ such assistants to such truant officer as may be deemed advisable; in special, village and township districts the board of education shall appoint a constable or other person as truant officer. The compensation of the truant officer and assistants shall be fixed and paid by the board appointing them.

Truant officers; appointment, etc.

Sec. 7770. The truant officer and assistants shall be vested with police powers, the authority to serve warrants, and have authority to enter workshops, factories, stores and all other places where children are employed, and do whatever may be necessary, in the way of investigation or otherwise, to enforce this act. He also may take into custody any youth between eight and fourteen years of age, or between fourteen and sixteen years of age when not regularly employed who is not attending school, and shall conduct such youth to the school he has been attending, or which he rightfully should attend.

Powers of truant officers

Sec. 7771. The truant officer shall institute proceedings against any officer, parent, guardian, person, partnership or corporation violating any provisions of this chapter, and otherwise discharge the duties described therein, and perform such other services as the superintendent of schools or the board of education may deem necessary to preserve the morals and secure the good conduct of school children, and to enforce the provisions of this chapter. The truant officer shall keep on file the name, address and record of all children between the ages of fourteen and sixteen to whom age and schooling certificates have been granted who desire employment, and manufacturers, employers or other persons requiring help of legal age shall have access to such files. The truant officer shall co-operate with the department of workshops and factories in enforcing the conditions and requirements of the child labor laws of Ohio, furnishing upon request such data as he has collected in his reports of children from eight to sixteen years of age and also concerning employers, to the department of workshops and factories and to the state commissioner of schools. He must keep a rec-

Duties of truant officer.

Record.

ord of his transactions for the inspection and information of the superintendent of schools and the board of education; and make daily reports to the superintendent during the school term in districts having them, and to the clerk of the board of education in districts not having superintendents as often as required by him. Suitable blanks for the use of the truant officer shall be provided by the clerk of the board of education.

Report of
teachers, etc.

Blanks.

Special course.

Notice to par-
ent.

Sec. 7772. Principals and teachers of all schools, public, private and parochial, shall report to the clerk of the board of education of the city, special, village or township district in which the schools are situated, the names, ages and residences of all pupils in attendance at their schools, together with such other facts as said clerk may require in order to facilitate the carrying out of the provisions of this chapter. The clerk shall furnish blanks for such purpose, and such report shall be made during the last week of each month from September to June inclusive of each year. Such principals and teachers also must report to the truant officer, the superintendent of public schools, or the clerk of the board of education, all cases of truancy or incorrigibility in their respective schools as soon after these offenses have been committed as practicable. It shall further be within the power of all principals or teachers in charge of schools, wherever a child in school reaches his or her twelfth year and has not completed the fourth grade work in the studies enumerated in section seventy-seven hundred sixty-two, to relieve such child from pursuing the regular course prescribed and cause such child to give his entire time to reading, writing, spelling, geography, arithmetic and the use of the English language with as much manual training as opportunity and funds will permit.

Sec. 7773. On the request of the superintendent of schools or the board of education or when it otherwise comes to his notice, the truant officer shall examine into any case of truancy within his district, and warn the truant and his parents, guardian or other person in charge, in writing, of the final consequences of truancy if persisted in. When any child between the ages of eight and fourteen years, or between the ages of fourteen and sixteen years, in violation of the provisions of this chapter is not regularly employed, is not attending school, the truant officer shall notify the parent, guardian or other person in charge of such child, of the fact, and require such parent, guardian or other person in charge, to cause the child to attend some recognized school within two days from the date of the notice; and it shall be the duty of the parent, guardian or other person in charge of the child so to cause its attendance at some recognized school. Upon failure to do so, the truant officer shall make complaint against the parent, guardian or other person in charge of the child, in

any court of competent jurisdiction in the city, special, village or township district in which the offense occurred for such failure.

Sec. 12975. Whoever employs a minor under sixteen years of age before exacting from such minor the age and schooling certificate provided by law, or fails to keep such certificate on file, or who fails to return to the superintendent of schools or the person authorized by him such certificate within two days from such minor's withdrawal or dismissal from his services as provided in section seventy-seven hundred and sixty or to permit a truant officer, upon request therefor, to examine such certificate, shall be fined not less than twenty-five dollars nor more than fifty dollars. Violation.

Penalty.

Sec. 12977. Whoever, being the parent or guardian or other person in charge of a minor between eight and fourteen years of age, or a minor between fourteen and sixteen years of age who has not passed a satisfactory fifth grade test in the studies enumerated in section seventy-seven hundred and sixty-two, or is not regularly employed, upon notice from a truant officer as provided by law, fails to cause such minor to attend a public, private, or parochial school, unless such person proves his inability so to do, shall be fined not less than five dollars nor more than twenty dollars, or the court may in its discretion, require the person so convicted to give a bond in the sum of one hundred dollars, with sureties to the approval of the court, conditioned that he or she will cause the child under his or her charge to attend some recognized school within two days thereafter and to remain at such school during the term prescribed by law; and upon the failure or refusal of any such parent, guardian or other person to pay said fine and costs or furnish said bond according to the order of the court, then said parent, guardian or other person shall be imprisoned in the county jail not less than ten days nor more than thirty days. Violation;
penalty.

Imprisonment.

SECTION 2. That said original sections 7763, 7765, 7766, 7767, 7768, 7769, 7770, 7771, 7772, 7773, 12975 and 12977 be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 19, 1910.

JUDSON HARMON,
Governor.
218

AN ACT

To amend section 4752 of the General Code, relating to the transaction of business by boards of education.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4752 of the General Code be amended so as to read as follows:

Sec. 4752. A majority of the members of a board of education shall constitute a quorum for the transaction of business. Upon a motion to adopt a resolution authorizing the purchase or sale of real or personal property or to employ a superintendent or teacher, janitor or other employe or to elect or appoint an officer or to pay any debt or claim or to adopt any text book, the clerk of the board shall publicly call the roll of the members composing the board and enter on the record the names of those voting "Aye" and the names of those voting "No." If a majority of all the members of the board vote aye, the president shall declare the motion carried. Upon any motion or resolution, a member of the board may demand the yeas and nays, and thereupon the clerk shall call the roll and record the names of those voting "Aye" and those voting "No." Each board may provide for the payment of superintendents, teachers and other employes by payroll, if it deems advisable, but in all cases such roll call and record shall be complied with; provided, that boards of education of township school districts may provide for the payment of teachers monthly if deemed advisable, upon the presentation, to the clerk, of a certificate from the director of the sub-district in which the teacher is employed stating that the services have been rendered and that the salary is due; the adoption of a resolution authorizing the clerk to issue warrants for the payment of the teacher's salary on presentation of such certificate shall be held as compliance with the above requirements.

SECTION 2. That said original section 4752 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 19, 1910.

JUDSON HARMON,
Governor.
219

AN ACT

To provide for certification of teachers in the public schools.

Be it enacted by the General Assembly of the State of Ohio:

- Section 7858-1. SECTION 1. That the diploma of any normal school, teachers' college, college or university, approved by the state commissioner of common schools, shall entitle the holder hereof, when he or she has successfully passed the examination provided in section 5 of this act, to a provisional elementary school certificate valid for four years in any school district in Ohio; provided said diploma is granted only to such students as have taken a full two-year academic and professional course, entrance to which shall require graduation from a high school of the first grade, or its equivalent which shall be determined in such manner as the state commissioner of common schools may direct. Elementary certificate.
- Section 7858-2. SECTION 2. That the diploma of a graduate of any normal school, teachers' college, college or university approved by the state commissioner of common schools, shall entitle the holder thereof, when he or she has successfully passed the examination provided in section 5 of this act, to a provisional high school certificate valid for four years in any school district in Ohio; provided said diploma is granted only to such students as have taken a full four years' academic and professional course, entrance to which shall require graduation from a high school of the first grade, or its equivalent which shall be determined in such manner as the state commissioner of common schools may direct. Provisional high school certificate.
- Section 7858-3. SECTION 3. The two-year and four-year courses referred to herein shall include actual teaching under supervision in a training school, including elementary or secondary grades, as the case may be, and shall be approved by the state commissioner of common schools.
- Section 7858-4. SECTION 4. The diploma or certificate of proficiency issued, by any of the institutions named in section 1, to students having completed a special course, with training school experience, in music, drawing, penmanship, manual training, physical culture, domestic science, kindergarten, German, or such other studies as, by law or custom, are required as subjects of instruction by special teachers or supervisors shall entitle the holder thereof, when he or she has successfully passed the examination provided in section 5 of this act, to a special certificate valid for four years in any school district in Ohio; provided that no such diploma or certificate shall be issued to any one not having at least two years of academic and professional training beyond graduation from a high school of the first Special certificate.

grade, or its equivalent which shall be determined in such manner as the state commissioner of common schools may direct.

Section 7858-5.

Fee.

Grading of
manuscripts.

SECTION 5. When any holder of a diploma as provided in sections 1, 2 and 4 of this act makes application to a board of county examiners for a certificate under this act, said applicant shall pay a fee of one dollar and fifty cents to the clerk of the board of county examiners, fifty cents of said fee to be paid into the institute fund of the county in which the applicant writes the examination and one dollar of it to be forwarded to the state commissioner of common schools to be used in defraying the expenses of grading the manuscripts of the said applicant who shall pay the same into the state treasury to the credit of the general revenue fund. The board of county examiners shall collect the manuscripts as the applicants complete them, and at the close of the examination, in the presence of the applicant, shall enclose them in an envelope provided for that purpose, seal and forward them to the state commissioner of common schools; who within thirty days from the time of receiving the manuscripts shall cause them to be graded. The state commissioner of common schools shall forward the result of such grading to the applicant and to the clerk of the board of county examiners. If such applicant has successfully passed the examination, with such grades as the state commissioner of common schools may require, then the commissioner shall forward to the clerk of the board of county examiners a certificate to be countersigned by said board of county examiners duly made out for and in the name of the applicant, and said certificate shall be valid in any school district of the state, as provided in sections 1, 2 and 4 of this act. The time of holding such examinations and the list of questions submitted shall be the same as provided for in sections 7817 and 7819 of the General Code.

Section 7858-6.

Provisional
life certificate.

SECTION 6. It shall be the duty of the state board of school examiners to issue to every holder of a provisional certificate as herein described, a life certificate of similar kind, upon satisfactory evidence that the holder thereof has taught successfully at least twenty-four months. In addition, applicants for common school certificates shall be examined in theory and practice of teaching. Applicants for high school certificates shall be examined in theory and practice of teaching, history of education and science of education. Applicants for special certificates shall be examined in theory and practice of teaching and in the special branch. The applicant shall pay the usual examination fee.

Section 7858-7.

Professional
life certificate.

SECTION 7. It shall be the duty of the state board of school examiners to issue to every holder of a professional certificate, issued by a city or county board of examiners, a life certificate of similar kind, upon satisfactory evidence that the holder thereof has taught successfully

at least ten years. In addition, applicants for common school certificates shall be examined in theory and practice of teaching. Applicants for high school certificates shall be examined in theory and practice of teaching, history of education and science of education. Applicants for special certificates shall be examined in theory and practice of teaching and in the special branch. The applicant shall pay the usual examination fee.

The sectional numbers on the margin hereof are designated as provided by law.
U. G. DENMAN,
Atty. Gen.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 19, 1910.

JUDSON HARMON,

Governor.
220

[Senate Bill No. 44.]

AN ACT

To supplement section 7644 by a section to be known as section 7644-1 of the General Code, relating to elementary schools for youth afflicted with tuberculosis.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7644 of the General Code be supplemented by a section to be known as section 7644-1 as follows:

Sec. 7644-1. The board of education in any city school district may establish such special elementary schools as it deems necessary for youth of school age who are afflicted with tuberculosis, and may cause all youth, within such district, so afflicted, to be excluded from the regular elementary schools, and may provide for and pay from the school funds, the expense of transportation of such youth to and from such special schools.

Tuberculosis
schools.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 19th, 1910.

JUDSON HARMON,

Governor.
221.

[House Bill No. 44.]

AN ACT

To provide for the appointment of a commission to establish two normal schools and to provide for the maintenance thereof.

Be it enacted by the General Assembly of the State of Ohio:

Normal
schools.

SECTION 1. That the normal school system of the state of Ohio created and established by chapter ten of the General Code, be extended by the creation and establishment of two additional state normal schools, one in northeastern Ohio and one in norwestern Ohio, to be so located as to afford the best opportunity possible for all the people to obtain the benefits and advantages to be derived from teachers trained both theoretically and practically. Neither of such schools shall be located in any city or village which now has a college located therein.

Normal
school com-
mission.

SECTION 2. Within thirty days after the passage of this act the governor shall appoint a commission composed of five persons, not more than three of whom shall be from any one political party, and no one of whom shall be personally or financially interested in any site determined upon by said commission. Said appointees shall constitute a commission with full power and authority to select suitable locations, lands, or lands and buildings and secure options on the same as said commission may find necessary for the establishment of said normal schools and upon such terms and conditions as said commission may deem to be for the best interests of the state and submit a report of their proceedings to the governor for his approval on or before the first day of December, 1910. The members of said commission shall serve without compensation but shall be paid their reasonable and necessary expenses while in the discharge of their official duties and shall serve until the appointment and organization of the boards of trustees, hereinafter provided.

Board of
trustees.

SECTION 3. As soon thereafter as the general assembly shall appropriate a sufficient amount of money for the purchase of said sites and the erection of suitable buildings thereon, the governor shall appoint by and with the advice and consent of the senate five competent persons who shall constitute a board of trustees for the proposed normal school in the northeastern portion of Ohio and five other competent persons who shall constitute a board of trustees for the proposed normal school in the northwestern portion of Ohio.

Organization
of board.

SECTION 4. Each board of trustees shall organize immediately after its appointment by the election from its members of a president, a secretary and a treasurer. The treasurer, before entering upon the discharge of his duties shall give bond to the state of Ohio for the faithful performance of his duties, and the proper accounting for all moneys coming into his care. The amount of said bond shall be determined by the trustees, but shall not be for a less sum than the estimated amount which may come into

his control at any one time. Said bond shall be approved by the attorney general.

Before adopting plans for the buildings of said normal schools each board shall elect a president of known ability for the school under its control, who shall have advisory power in determining said plans. In planning said buildings, ample provisions shall be made for the establishment of a well equipped department for the preparation of teachers in the subject of agriculture.

The boards of trustees in connection with the presidents of the normal schools shall select and appoint an able and efficient corps of instructors for the said schools, provide a suitable course of study for the theoretical and practical training of students who desire to prepare themselves for the work of teaching, fix rates of tuition and provide proper equipment.

Teachers and
course of
study.

Said boards shall proceed without unnecessary delay to purchase said selected sites, lands and buildings, as the case may be, and erect thereon suitable and substantial buildings or enlarge, reconstruct and properly repair in a suitable and substantial manner such building or buildings, if any there be, and complete said buildings as soon as conditions will permit. And said board of trustees shall do any and all things necessary for the proper maintenance and successful and continuous operation of said normal schools and may receive donations of lands and moneys for the purpose of said normal schools.

Buildings.

The governor when appointing said board of trustees shall designate one member of each board to serve one year, one to serve two years, and one to serve three years, one to serve four years and one to serve five years and thereafter one trustee for each board shall be appointed annually for five years for the control and management of said normal schools. They shall serve without compensation other than their reasonable and necessary expenses while engaged in the discharge of their official duties. Not more than three members of each board shall be selected from any one political party.

Terms of
trustees.

SECTION 5. The governor shall have power to remove for just cause any appointees herein named, when, in his judgment, he deems it necessary, and shall fill all vacancies that may occur.

Removal of
appointees.

SECTION 6. The said normal schools shall be supported by such sums and in such manner as the general assembly may from time to time provide.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 19th, 1910.

JUDSON HARMON,

Governor.
222.

[Senate Bill No. 79.]

AN ACT

To amend section 9119 of the General Code, relating to the appropriation of property by railroads other than steam.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 9119 of the General Code be amended so as to read as follows:

Appropriation
of property.

Sec. 9119. Street, interurban or suburban railroads using other than steam as motive power, when necessary may enter upon and use private property in the construction, alteration and operation of its road or any part thereof and for such purposes shall have all of the rights and powers of appropriation, outside of municipalities, that steam railroad companies possess.

SECTION 2. That said original section 9119 of the General Code be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 20th, 1910.

JUDSON HARMON,

Governor.
223

[Senate Bill No. 87.]

AN ACT

To amend section 515 of the General Code, relating to the transportation of freight free or at reduced rates in the state of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 515 of the General Code be amended so as to read as follows:

Exceptions
as to freight
rates.

Sec. 515. Nothing in this chapter shall prevent the carriage, storage or handling of freight free or at reduced rates, for the United States, the state, any political subdivision or municipality thereof, for charitable purposes, to and from fairs and expositions for exhibition thereat, or the property of railway employees for their own exclusive use or consumption or that of their families; or the issuance of mileage, commutation or excursion passenger tickets, if obtainable by any person applying therefor without discrimination, or of party tickets, if obtainable by all persons applying therefor under like circumstances and conditions.

SECTION 2. That said original section 515 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.
 Approved May 20th, 1910.

JUDSON HARMON,
Governor.
 224.

[Senate Bill No. 154.]

AN ACT

To amend section 8745 of the General Code, relating to the powers of railroad companies to construct, maintain and operate railroads.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 8745 of the General Code be amended so as to read as follows:

Sec. 8745. Any railroad company may maintain and operate, or construct, maintain and operate a railroad, with such main tracks, not exceeding six and such side tracks, turnouts, offices, depots, round-houses, machine shops, water tanks, telegraph lines, and other necessary appliances, as it deems necessary, between the points named in its articles of incorporation, commencing at or within, and extending to or into any city, village, or place named as a terminus of its road.

Six main
 tracks.

SECTION 2. That said original section 8745 of the General Code be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.
 Approved May 20th, 1910.

JUDSON HARMON,
Governor.
 225.

[Senate Bill No. 146.]

AN ACT

To amend section 9063 of the General Code, relating to the sale of railroad equipment.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 9063 of the General Code be and the same is hereby amended so as to read as follows:

Sec. 9063. The provisions of the sections ninety hundred sixty, ninety hundred sixty-one and ninety hundred sixty-two of the General Code shall extend and apply, not only to contracts made with a railroad company, as vendee or lessee, but also to all contracts which may be made with any interurban or street railroad company or corporation, or other company, corporation, or person as vendee or lessee, by which any such interurban or street railroad company, or corporation, or other corporation, company or person shall undertake to purchase, rent, lease or hire any railroad, interurban or street railroad equipment, cars, rolling stock, or other personal property, designed for use on, or in connection with, a railroad or railroads, interurban or street railroad or railroads, in this or other states.

Sale of equipment.

SECTION 2. That said original section 9063 of the General Code be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 20th, 1910.

JUDSON HARMON,

Governor.
226.

[House Bill No. 328.]

AN ACT

To provide for the licensing of persons to have charge of and operate stationary steam boilers.

Be it enacted by the General Assembly of the State of Ohio:
Section 1058-1. SECTION 1. Any person who desires to operate or have

charge of a stationary steam boiler of more than thirty horse power, except boilers which are in charge of a duly licensed engineer, shall make application to the district examiner of steam engineers for a license so to do, upon a blank furnished by the examiner, and shall successfully pass an examination upon the following subjects; the construction and operation of steam boilers, steam pumps and hydraulics, under such rules and regulations as may be adopted by the chief examiner of steam engineers, which rules and regulations and standard of examination, shall be uniform throughout the state. If, upon such examination, the applicant is found proficient in said subjects a license shall be granted him to have charge of and operate stationary steam boilers of the horse power named in this act. Such license shall continue in force for one year from the date the same is issued, and upon application to the district examiner may be renewed annually without being re-

Steam boilers.

Subjects of examination.

quired to submit to another examination. Provided, however, the district examiner may, on written charges, after notice and hearing, revoke the license of any person guilty of fraud in passing the examination, or who, for any cause has become unfit to operate or have charge of stationary steam boilers, provided, further, that any person dissatisfied with the action of any district examiner in refusing or revoking a license or renewal thereof, may appeal to the chief examiner who shall review the proceedings of the district examiner.

Revocation of
license.

Section 1058-2. SECTION 2. The fee for examination of applicants for license shall be two dollars to be paid at the time of the examination, and two dollars for every renewal of license. All fees to be paid to the district examiner and by him remitted to the chief examiner, and by the chief examiner paid into the state treasury as provided for fees collected under section 1058 of the General Code.

Examination
fee.

Section 1058-3. SECTION 3. Whoever, being an owner, user or person in charge of a stationary steam boiler, or boilers, violates any provision of this act shall be fined not less than ten dollars nor more than one hundred dollars.

Penalty.

Section 1058-4. SECTION 4. A horse power as used in this act shall be understood to mean twelve square feet of boiler heating surface.

Horse power
defined.

Section 1058-5. SECTION 5. Section 1047 of the General Code, insofar as it has relation to the operation and having in charge of stationary steam boilers shall not apply to persons holding license issued under the provisions of this act.

The sectional
numbers on
the margin
hereof are des-
ignated as pro-
vided by law.
U. G. DENMAN,
Atty. Gen.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 20th, 1910.

JUDSON HARMON,

Governor.
227.

[House Bill No. 357.]

AN ACT

To amend and supplement section 9009 of the General Code, by the enactment of section 9009-1, relative to the blocking of frogs by railroad companies, and to provide penalty for violations of said section.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 9009 of the General Code be amended and supplemented to read as follows:

Sec. 9009. Every railroad corporation operating a railroad or part of a railroad within this state, shall adjust, fill, or block all angles in frogs, switches and crossings on

Blocking of
frogs.

its roads and in its yards, divisional and terminal stations where trains are made up, with sheet steel, wrought or malleable iron, or other metallic appliances, which shall be so placed and be of such design as will prevent the wedging of the feet of employes and other persons in such angles; and all such appliances or devices shall before installations be approved by the state railroad commission.

Penalty.

Sec. 9009-1. Whoever, owning, operating or controlling a railroad fails to comply with the provisions of the next preceding section shall be subject to a penalty of twenty-five dollars for each and every day of such failure, to be recovered in a civil action, in the name of the state, and paid into the state treasury.

SECTION 2. That said original section 9009 is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after September 1st, 1910.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 20th, 1910.

JUDSON HARMON,

Governor.
228.

[Senate Bill No. 178.]

AN ACT

To amend section 9032 of the General Code, relating to the curing of certain defects in railroad agreements filed with the secretary of state.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 9032 of the General Code be amended to read as follows:

Curing defects
in railroad
agreements.

Sec. 9032. If the agreement or certified copy thereof for the consolidation of railroad companies, heretofore filed in the office of the secretary of state, is defective by reason of the omission of a statement of the place of residence of the directors, or the number and places of residence of the other officers, as required in such agreement by the laws of this state, but when in pursuance of such agreement an election of directors has been had, and other officers have been elected or appointed, all such defects in such agreement, and any defect in the certificates thereon, may be cured by filing in the office of the secretary of state a copy of the proceedings of the election duly certified by the secretary of the consolidated company, under its corporate seal, to be such copy, and the certificate signed by the president and secretary of the consolidated company under

Certificate of
consolidated
company.

its corporate seal, setting out the respective places of residence of the directors first elected, and of the officers first elected or appointed at the time they were so elected or appointed, which shall thereupon be considered a part of the agreement of consolidation the same as if originally incorporated therein. Upon filing such certified copy of the proceedings and certificate, all such defects existing prior to the filing of such certified copy of the proceedings and certificate, shall be cured, and the several acts of such company shall be held valid, and the agreement and all rights, remedies, powers, duties, and acts thereunder be construed accordingly. The agreement, proceedings and certificate, and copies thereof, duly certified by the secretary of state, shall be held and received in all courts and other places as constituting the agreement of consolidation of such companies, to all intents and purposes as if no omission ever existed in such agreement or the certificate thereto.

Certified copy;
use of, in
courts.

SECTION 2. That said original section 9032 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 20th, 1910.

JUDSON HARMON,
Governor.
229.

[House Bill No. 312.]

AN ACT

To amend section 502 of the General Code, giving to the railroad commission additional powers and relating to the regulation of the duties, services, practices and charges of a railroad company.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 502 of the General Code, be amended to read as follows:

Sec. 502. This chapter shall apply to the transportation of passengers and property between points within this state, to the receiving, switching, delivering, storing and handling of such property, and to all charges connected therewith, including icing charges and mileage charges, to all railroad corporations, express companies, car companies, freight and freight line companies, to all associations or persons, whether incorporated or otherwise, which do business as common carriers, upon or over a line of railroad within this state, and to a common carrier engaged in the transportation of passengers and property wholly by rail or partly by rail and partly by water. In

Application to
specified sub-
jects.

Exceptions.

addition thereto, the provisions of this act, shall apply to the regulation of any and all other duties, services, practices and charges of a railroad company, incident to the shipping and receiving of freight, which are proper subjects of regulation, excepting only, that they shall not apply to the regulation of commerce with foreign nations, and among the several states, and with the Indian tribes.

SECTION 2. That said original section 502 of the General Code, be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

Approved May 20th, 1910.

JUDSON HARMON,
Governor.
230.

[House Bill No. 184.]

AN ACT

To promote the safety of employes and travelers upon railroads by compelling railroad companies to equip their locomotives with suitable boilers and appurtenances thereto.

Be it enacted by the General Assembly of the State of Ohio:

Section 8965-1.

Inspection.

SECTION 1. Every person, firm or corporation operating a steam railroad wholly or in part within this state shall require thorough inspection to be made of the boilers and appurtenances of all locomotives which shall be used by such person, firm or corporation on such railroad within this state.

Section 8965-2.

Boiler requirements specified.

SECTION 2. All such boilers so used shall comply with the following requirements: The boilers and appurtenances shall be well made of good and suitable material; the openings for the passage of water and steam respectively, and all pipes and tubes exposed to heat, shall be of proper dimensions and free from obstructions; the spaces between and around the flues shall be sufficient; the flues, boiler, furnace, safety valves, fusible plugs, low water indicators, feed water apparatus, gauge cocks, steam gauges, and means of removing mud and sediment from the boiler, and all other machinery and appurtenances thereof shall be of such construction, shape, condition, arrangement and material that the same may be safely employed in the active service of such railroad without peril to life or limb.

Section 8965-3.

Duty of inspector.

SECTION 3. Each inspector shall satisfy himself by thorough examination that said requirements have been fully complied with. No boiler, pipe, nor any connections therewith shall be approved which is made in whole or in part of bad material, or is unsafe in its form, or dan-

gerous from defects, workmanship, age, use or other cause.

Section 8965-4. SECTION 4. Said inspections shall be made at least every three months under the direction of such person, firm or corporation operating such railroad, by persons of suitable qualifications and attainments to perform the services required of inspectors of boilers and who are able to form a reliable opinion of the strength, form, workmanship and suitability of boilers to be employed without hazard of life from imperfections in the material, workmanship or arrangement of any part of such boiler and appurtenances.

Quarterly inspection.

Section 8965-5. SECTION 5. The state railroad commission shall have power to formulate rules and regulations for the uniform inspection and testing of boilers and their appurtenances, and for the qualifications and competency of inspectors of boilers under the provisions of this act. Copies of such rules and regulations shall be mailed to every person, firm or corporation operating a railroad by steam in this state. If it shall be ascertained by such inspection and test, or otherwise, that any locomotive boiler is unsafe for use, the same shall not again be used until it shall be repaired and made safe so as to comply with the requirements of this act.

Rules and regulations.

Section 8965-6. SECTION 6. The railroad commission shall appoint a competent person as inspector of locomotive boilers, and such inspector shall, under the direction of the commission, have charge of the inspection of boilers and their appurtenances, of locomotives used in the operation of steam railroads within this state and shall perform such other duties in connection therewith as the commission shall direct. Said inspector shall be employed at a fixed compensation not exceeding one hundred and eighty dollars per month.

Appointment of inspector; salary, etc.

Section 8965-7. SECTION 7. Each inspector, if he shall approve of the boiler and the appurtenances throughout, shall make and subscribe his name to a written or printed certificate which shall contain the number of each boiler inspected, the date of its inspection, the condition of the boiler and appurtenances, and such details as may be required by the forms and regulations which shall be prescribed by the railroad commission. Every such certificate shall be verified by the oath of the inspector, and he shall cause said certificate to be filed in the office of the railroad commission within ten days after each inspection shall be made, and also a copy thereof with the officer or employee of such railroad having immediate charge of the operation of such locomotive boiler, which copy shall be placed by such officer or employee in a conspicuous place in the cab connected with the locomotive boiler inspected, and there kept framed under glass.

Certificate of inspector.

Section 8965-8. SECTION 8. Every person, firm or corporation operating such railroad and violating any of the provisions of this act shall be liable to a penalty to be paid to the general revenue fund of the state, of one hundred dollars

Penalties.

(\$100.00) for each offense, and the further penalty of one hundred dollars (\$100.00) for each day it or they shall omit or neglect to comply with said provisions; and the making or filing of a false certificate shall be a misdemeanor, and every inspector who wilfully certifies falsely touching any steam boiler or appurtenances thereto belonging, or any matter or thing contained or required to be contained in any certificate signed and sworn to by him, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00.)

Section 8965-9. SECTION 9. It shall be the duty of the state railroad commission to enforce the provisions of this act.

Section 8965-10 SECTION 10. This act shall take effect and be in force on and after September 1, 1910.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed May 10th, 1910.

Approved May 20th, 1910.

JUDSON HARMON,

Governor.
231.

The sectional numbers on the margin hereof are designated as provided by law.
U. G. DENMAN,
Atty. Gen.

[House Bill No 243.]

AN ACT

To require railroads to equip locomotives with proper headlights.

Be it enacted by the General Assembly of the State of Ohio:

Section 8945-1. SECTION 1. Every railroad corporation operating a railroad or a part of one in this state, shall on or before the first day of January, 1911, equip each of its locomotives, (except locomotives used exclusively in yard service,) with a headlight of such construction, and with sufficient candle power to render plainly visible at a distance of not less than three hundred and fifty feet in advance of such engine, whistling posts, land marks and other warning signs, and it shall be unlawful, after such date for any such railroad to use a locomotive, (except locomotives used exclusively in yard service) upon any part of its road lying within this state, that is not equipped with a headlight of such construction and candle power as will enable the engineer, to see whistling posts, land marks and other warning signs at a distance of not less than three hundred and fifty feet in advance of the engine; provided that not less than thirty per cent. of all the locomotives hereinbefore required to be provided with such headlights shall be so equipped on or before September 1, 1910.

Section 8945-2. SECTION 2. The state railroad commission shall from time to time inspect or cause to be inspected the headlights of all locomotives found in use on any railroad in this state.

Headlight provisions.

Inspection by railroad commission.

On discovering any defective headlight the commission shall report the fact to the superintendent or other officer having charge of the road on which it is found, and the railroad corporation receiving such notice, shall thereupon cause such defective headlight to be immediately repaired, and if so ordered by the railroad commission shall put the locomotive containing such defective headlight out of service until repaired and put in good working order.

section 8945-3.

SECTION 3. Any railroad corporation using or permitting to be used on its line in this state a locomotive, in violation of any provision of this act shall be liable to a penalty of one hundred dollars for each violation, to be recovered in a suit or suits to be brought by the prosecuting attorney in the common pleas court of the county having jurisdiction in the locality where such violation occurred. Upon duly verified information being given him of such violation such prosecuting attorney shall bring such suits. The railroad commission shall give the proper prosecuting attorney information of any such violations as may come to its knowledge.

Penalty.

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ided by law.
G. DENMAN,
Atty. Gen.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 20, 1910.

JUDSON HARMON,

Governor.
232.

[House Bill No. 512.]

AN ACT

To amend section 5566 of the General Code, to provide compensation for assistant assessors of personal property.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5566 of the General Code be amended so as to read as follows:

Sec. 5566. As compensation each assistant assessor shall receive for each day necessarily employed in the performance of his duties, the sum of three dollars to be paid out of the county treasury upon the approval of the county auditor and allowance of the county commissioners.

Assistant as-
sessor's com-
pensation.

SECTION 2. That said original section 5566 of the General Code be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 21, 1910.

JUDSON HARMON,

Governor.
233.

[Senate Bill No. 217.]

AN ACT

To amend section 231 of the General Code, relating to vital statistics.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 231 of the General Code be amended so as to read as follows:

Certified copy. Sec. 231. The state registrar shall furnish any applicant therefor a certified copy of the record of a birth or death registered under provisions of this chapter relating to vital statistics, for which he shall receive a fee of fifty cents, from the applicant. Such copy, when properly certified by the state registrar to be a true copy thereof, shall be prima facie evidence in all courts and places of the facts therein stated. For a search of the files and records when no certified copy is made, the state registrar shall receive a fee of fifty cents from the applicant for each hour or fractional hour of time of search: Provided, that the United States census bureau may obtain without cost to the state, transcripts of births and deaths without payment of the fees herein prescribed.

Exception.

SECTION 2. That said original section 231 is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives
 FRANCIS W. TREADWAX,
President of the Senate.

Passed May 10, 1910.

Approved May 21, 1910.

JUDSON HARMON,
Governor.
 234

[Senate Bill No. 175.]

AN ACT

To supplement section 1155 of the General Code, by the enactment of supplemental sections to be known as sections 1155-1, 1155-2, 1155-3, 1155-4, 1155-5, 1155-6, 1155-7 and 1155-8, to establish a division of apiary inspection in the Ohio department of agriculture and to repeal sections 5853, 5854, 5855, 5856, 5857, 5858, 5859, 5860, 5861, 5862, 5863, 5670 and 13363 of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1155 of the General Code be supplemented by the enactment of supplemental sections to be known as sections 1155-1, 1155-2, 1155-3, 1155-4, 1155-5, 1155-6, 1155-7 and 1155-8 as follows:

Bee inspection. Sec. 1155-1. The Ohio state board of agriculture is hereby authorized to establish a division of apiary inspection.

tion in the Ohio department of agriculture, and to appoint a competent entomologist as the chief inspector of said division, and the necessary assistants, who shall, under the direction of the board, have charge of the inspection of apiaries as hereinafter provided; he may investigate, or cause to be investigated apiaries as hereinafter provided; he may investigate, or cause to be investigated outbreaks of bee diseases and cause suitable measures to be taken for their eradication or control.

Sec. 1155-2. The inspector or his assistants shall, when notified in writing by the owner of an apiary, or by any three disinterested taxpayers, examine all reported apiaries, and all others in the same locality not reported, and ascertain whether or not the diseases known as American foul brood or European foul brood, or any other disease which is infectious or contagious in its nature, and injurious to honey bees in their egg, larval, pupal or adult stages exists in such apiaries; and if satisfied of the existence of any such diseases he shall give the owners or care-takers of the diseased apiaries full instructions how to treat such cases, as in the inspector's judgment seem best.

Diseases ;
treatment of.

Sec. 1155-3. The inspector or his assistant shall visit all diseased apiaries a second time, after ten days, and, if need be, burn all colonies of bees that he may find not cured of such disease, and all honey and appliances which would spread disease, without recompense to the owner, lessee, or agent thereof.

Second in-
spection.

Sec. 1155-4. If the owner of an apiary, honey, or appliances wherein disease exists shall sell, barter, or give away, or move without the consent of the inspector any diseased bees, (be they queens or workers), colonies, honey, or appliances, or expose other bees to the danger of such disease, said owner shall, on conviction thereof be fined not less than fifty dollars nor more than one hundred dollars, or imprisoned not less than one month nor more than two months or both.

Sale of dis-
eased bees or
honey.

Penalty.

Sec. 1155-5. For the enforcement of the provisions of this act, the state inspector of apiaries or his duly authorized assistants shall have access, ingress and egress to all apiaries or places where bees are kept; and any person or persons who shall resist, impede or hinder in any way the inspector of apiaries in the discharge of his duties under the provisions of this act shall, on conviction thereof, be fined not less than fifty dollars nor more than one hundred dollars, or imprisoned not less than one month nor more than two months or both.

Resisting in-
spection.

Penalty.

Sec. 1155-6. After inspecting infected hives or fixtures or handling diseased bees, the inspector or his assistant shall, before leaving the premises or proceeding to any other apiary, thoroughly disinfect any portion of his own person and clothing and any tools or appliances used by him which have come in contact with infected material, and shall see that any assistant or assistants with him have like-

Use of disin-
fectants.

wise thoroughly disinfected their persons and clothing and any tools and implements used by them.

Rearing queen
bees. Sec. 1155-7. It shall be the duty of any person in the state of Ohio, who is engaged in the rearing of queen bees for sale, to use honey in the making of candy for use in mailing cages which has been boiled for at least thirty minutes. Any such person engaged in the rearing of queen bees shall have his queen rearing apiary or apiaries inspected at least twice each summer season; and on the discovery of the existence of any disease which is infectious or contagious in its nature and injurious to bees in their egg, larval, pupal, or adult stages, said person shall at once cease to ship queen bees from such diseased apiary until the inspector of apiaries shall declare the said apiary free from all disease. Any person engaged in the rearing of queens who violates the provisions of this section shall, on conviction thereof, be fined not less than one hundred dollars nor more than two hundred dollars.

Penalty.

Annual re-
port. Sec. 1155-8. The Ohio state board of agriculture shall make an annual report to the governor of the state concerning the operations of the division of apiary inspection, which shall give the number of apiaries inspected, the number of colonies treated and destroyed by the direction of the chief inspector, and such other information as may be deemed necessary.

SECTION 2. That sections 5853, 5854, 5855, 5856, 5857, 5858, 5859, 5860, 5861, 5862, 5863, 5670 and 13368 of the General Code be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 21, 1910.

JUDSON HARMON,

Governor.
235.

[Senate Bill No. 145.]

AN ACT

To amend sections 6905, 6912 and 6913 of the General Code, and to enact certain supplementary sections to be designated sections 6905-1, 6905-2, 6905-3, 6905-4, 6905-5, 6905-6, 6912-1, 6912-2 and 6912-3 relating to co-operation of counties, townships and villages in road improvement.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 6905, 6912 and 6913 be amended so as to read as follows and that there be enacted certain supplementary sections to be designated sections

6905-1, 6905-2, 6905-3, 6905-4, 6905-5, 6905-6, 6912-1, 6912-2 and 6912-3:

Sec. 6905. The board of county commissioners may enter into an agreement with the board of trustees of any township or the council of any village, or both, into or through which a state or county road improvement is contemplated, whereby said board of trustees or council may assume and pay such a proportion of the costs and expenses of such improvement not assessed upon abutting land in accordance with section 6904 of the General Code, as may be agreed upon between said board of county commissioners and said board of trustees or council, and such agreement or agreements may be entered into at any time before the contract for said improvement is let.

Proportion
contract.

Sec. 6905-1. Whenever, any portion of a road to be improved under the provisions of this act lies within the corporate limits of a village, and the council of said village decides to improve any part of said road within its corporate limits, to a greater width than is contemplated by the proceedings for said improvement by the board of county commissioners, such council may, by resolution, at any time before bids for said improvement are advertised for, declare its intention so to do, which resolution shall indicate the points between which it is desired to increase the width of said proposed improvement, and the width to which it desires the same to be improved. A certified copy of such resolution shall be filed with the board of county commissioners.

Resolution
as to width
of village
street.

Sec. 6905-2. If the board of county commissioners approve the same, said board shall have prepared the necessary plans, profiles, specifications and estimates for the improvement of such portion of said road to the width indicated in said resolution. The estimates therefor shall set forth in detail the probable cost and expense of so much of said improvement as is made necessary by reason of the same being improved to said increased width. After the plans, specifications, profiles and estimates have been returned to the county commissioners by the county surveyor, and by them approved, the commissioners shall cause to be filed a copy thereof with the clerk of said village. Said plans, profiles, specifications and estimates shall also show what proportion of said increased cost is made necessary by improving street intersections.

Plans, spec-
ifications, etc.;
filing of.

Sec. 6905-3. Upon receipt of such copy the council of such village by taking such action as is authorized by law for the improvement of its streets, may issue and sell its bonds in anticipation of the collection of the special assessments by it to be made upon the benefited property, or to be paid by any street railroad company operating in said road within the limits of said village, and for the purpose of meeting such cost and expense of such improvement as is by law required to be paid by said village, and the amount of the total estimated cost and expenses of so much

Issue and
sale of bonds.

of said improvement as is made necessary by reason of the additional width to which the same is to be improved. The proceeds of said bonds shall be paid into the county treasury, into a fund to be established for the purpose and in the manner hereinafter specified.

Assessments. Sec. 6905-4. On the adoption by the council of the plans, profiles, specifications and estimates, so prepared by the county commissioners, and the filing of the same with the village clerk, the council may adopt such legislation as is required by law for the improvement of its streets and the sale of its bonds, and pay for the same. The authority herein given to the village, to issue and sell its bonds for the purposes of this act, and to levy assessments to pay for the same, shall be subject to all the limitations and conditions imposed by law upon municipal corporations in the issue and sale of bonds for street improvements.

Bids for contract. Sec. 6905-5. The county commissioners shall thereupon receive bids for and let the contract for improving such portion of said road as lies within the village, at the same time and in the same manner as contracts for other road improvements are let. The total cost and expense of advertising said additional work shall be paid for by the order of the county commissioners on the warrant of the county auditor, out of the fund established as hereinbefore set forth. Any money left in said fund after the completion of said work and payment therefor, shall be refunded to the village through which said improved road extends, to be by it disposed of according to law. All damages to abutting property within said village, by reason of the improvement of the said road, shall be paid for by said village.

Street railroad provision. Sec. 6905-6. Any street railroad company operating its line of street railroad in the street so improved shall be assessed for and shall pay for such part of said additional improvement as it is required to do by law, or by the terms of its franchise.

Collection by taxation. Sec. 6912. The assessment so made shall be certified by the commissioners to the auditor of the county, who shall place it on the tax list against such taxable property, as other taxes, and it shall thereupon become a lien thereon, and be collected in not to exceed ten annual installments.

Sale of notes or bonds. Sec. 6912-1. After so certifying said assessment to the auditor of the county, the commissioners may, in anticipation of the collection of all moneys from all sources, required to be raised for said improvement, whether by assessment, taxation, or by agreement with the township trustees or village council, borrow a sum of money sufficient to pay the entire estimated cost and expense of the improvement, and may issue and sell negotiable notes or bonds of the county, bearing a rate of interest not to exceed five per cent. per annum. For the purpose of paying their respective shares of the principal and interest on the notes or bonds authorized to be sold, the county commissioners and township trustees may levy a tax upon all the

taxable property of the county or township in addition to all other taxes authorized by law of not to exceed two mills in any one year until said notes or bonds and interest are paid.

Sec. 6912-2. The commissioners shall cause the damages, if determined, to be paid and the improvement made forthwith, and may add interest at the rate of not to exceed five per cent. per annum to all unpaid installments of the assessment, and to all sums agreed to be paid by the township trustees or village council, and collect said interest, together with the assessment or amounts so agreed to be paid. Damages.

Sec. 6912-3. In letting the contract for said improvement the board may divide the same into sections and contract for the improvement of each section separately.

Sec. 6913. The total amount of notes and bonds of the county issued and outstanding on the account of road improvement as herein provided shall not be in excess of one per cent. of the total tax duplicate of the county. Maximum
bond limit.

SECTION 2. That said original sections 6905, 6912 and 6913, be and the same hereby are repealed.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed May 10, 1910.

Approved May 21, 1910.

JUDSON HARMON,

Governor.

236.

[House Bill No. 441.]

AN ACT

To amend sections 6311, 6312, 6313, 6314 and 6319 of the General Code, and to supplement section 6319 by the enactment of section 6319-1, relative to natural gas, oil and mineral water.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 6311, 6312, 6313, 6314 and 6319 of the General Code be amended and that section 6319 be supplemented by the enactment of section 6319-1 so as to read as follows:

Sec. 6311. An owner of land when he drills a well for the production of petroleum oil, natural gas or mineral water on his own land and the owner of any land and any contractor for such drilling where a well is drilled by contract with the owner of the land, or a lessee, owner of any land, by virtue of a lease, when such lessee drills any such well on land held by him under lease, and any contractor for such drilling where the well is drilled by contract with the lessee of land, or any other person drilling any such well,

Steel or
wrought iron
casing.

whether such owner, lessee, contractor or other person be a person, co-partnership or corporation, before drilling into the oil or gas bearing sand or rock or after drilling through the oil or gas bearing sand or rock shall incase such well with good and sufficient wrought iron or steel casing so as to exclude all surface water and fresh or salt water, from any part of such well, penetrating the oil or gas bearing sand or rock.

Abandonment
requirements.

Sec. 6312. The owner or operator of any such well of a depth of more than eighteen hundred (1800) feet, who intends to abandon or cease operating it, shall, before drawing the casing therefrom, securely fill such well with rock sediment to the top of the oil or gas bearing sand or rock, and shall then cause a wooden plug to be placed upon such rock sediment and securely driven with a stem, having a rig or machine moved in for the purpose; and shall carefully measure, for the purpose of making certain that such wooden plug is properly placed at the point above designated, and shall then, if the casing will permit, fill in upon said wooden plug with two hundred (200) feet of rock sediment; or up to the bottom of said casing.

Use of iron
ball.

After the casing has been drawn from such well, a wooden plug or iron ball of sufficient size shall be placed in such a manner as to rest upon the shoulder made by the casing, and at least fifty (50) feet of rock sediment shall be placed upon such wooden plug or iron ball.

Use of ce-
ment.

Wells of less depth than eighteen hundred (1800) feet shall be filled to a point 200 feet above the oil or gas bearing sand or rock, with rock sediment or with mortar composed of two parts of sand and one part of cement, the same to be thoroughly tamped so as to fill the well, and upon which a wooden plug shall be driven that will completely fill the hole. After the casing has been drawn from such well a wooden plug or iron ball of sufficient size to fill the hole shall be placed in such manner as to rest upon the shoulder made by the casing, and at least fifty (50) feet of rock sediment placed upon said wooden plug or iron ball.

No homestead
exemptions.

No owner or operator of any oil well or wells shall permit said well or wells to stand for a period of more than three months or to remain without diligently pumping or flowing the same for a period of more than three months. Should any such owner, operator or lessee of any such well or wells allow the same to so remain for such period without diligently prosecuting the work of operating the same, which neglect might be injurious to the adjacent land and well owner by flooding the oil and gas bearing sand with fresh or salt water from leaks in the casing in such well, and on notice to such owner or operator of such well or wells to operate or prevent such leaks in such casing and prevent the oil or gas bearing rock from being flooded from said well or wells, any owner or lessee of any adjoining land or adjacent land, shall have the right to proceed against said party or parties for the penalty of one thou-

sand dollars as provided in said section 6319 of this chapter, and in the mode and manner therein provided, and there shall be no homestead or other exemptions allowed against the recovery thereof.

Sec. 6313. If such lessee, or any contractor under him, or other person operating such well fails to comply or inefficiently complies with the next preceding section, the owner of the land upon which such well is situated, may comply therewith. If all the persons whose duty it is to plug and fill such well fail to so fill or inefficiently so fill such well, the owner of such land or any person, the owner of adjoining land or lands adjacent to the lands on which any such well is located, or the lessee of any such lands under a lease for oil or gas, after written demand therefor to any of such persons, may enter and take possession of such well and fully comply with such section. Any court of competent jurisdiction of the county where such well is situated, upon the application of the owner or lessee of such land or the owner or lessee of lands adjoining or adjacent to the lands on which such well is located, may enjoin the removal of the derrick, boilers, fixtures, machinery and equipment used for the drilling or operation of such well when it is made to appear to the court that the owner or person having the same in charge is about to or will remove the same before plugging and filling such well as provided in the next preceding section. The plaintiff shall not be required to give an injunction bond in any such proceeding.

Court action.

Sec. 6314. The reasonable cost and expense of so filling such well shall forthwith be paid by the owner of such land, if such owner is the owner of the well or by the contractor or operator drilling or operating such well for or under such owner, and all such persons shall be jointly and severally liable therefor; if such well is drilled by a lessee or owner by virtue of a lease or by an operator or contractor under such lessee, such cost and expense shall forthwith be paid by such lessee or the operator or contractor drilling or operating such well for or under such lessee, and all such parties shall be jointly and severally liable therefor. The amount of such cost and expense shall be a lien upon the fixtures, machinery and appliances used in drilling or operating such well and leasehold or other interest of the lessee, contractor and operator and upon the interest of the land owner in the land upon which the well is situated, if such well owner is the owner of such well, and may be recovered and enforced against the owner, lessee, contractor or operator and such land owner in the order named. No such interest or property shall be exempt from execution under any law of this state or be held or claimed as a homestead or other exemption as against such lien. The court of common pleas of the county in which such well is situated shall have full jurisdiction to try and determine the amount of such claim and enforce the lien

Expense of filling; how paid.

No exemptions.

thereof upon the property aforesaid and service of summons may be made upon any and all parties liable as aforesaid in any county or counties of this state in which they may be found or located; and it shall not be necessary for the party bringing such suit or action to allege in the petition or prove on the trial that any of the water from such well, either surface, fresh or salt water penetrated the oil or gas bearing sand or rock under the land or lands, or oil or gas lease or leases on the land or lands of which the plaintiff may be the owner or lessee.

Penalty.

Sec. 6319. Any person, co-partnership or corporation violating any provisions of section 6312 shall be liable to a penalty of one thousand dollars to be recovered, with costs of suit, in a civil action in any court of competent jurisdiction in the county in which the act shall have been committed or omitted. Such suit shall be brought on the relation of any person, co-partnership or corporation owning the land or lease upon which any such well is located or who is the owner or lessee of land adjoining or adjacent to the land on which such well is located or is the lessee of any such lands under a lease for oil or gas. Any such person, co-partnership or corporation failing for a reasonable time to bring such suit after any such violation and to prosecute the same, with all convenient speed, such suit may be brought at the instance of any other resident of this state, but in no case shall the party bringing such suit, be required to give security, or be liable for costs. Such penalty shall be a first lien upon the fixtures, machinery and appliances used in drilling or operating such well, and the leasehold or other interest of the lessee, contractor and operator, and upon the interest of the land owner if such land owner is the driller or operator of such well in the land upon which the well is situated. No such interest or property shall be exempt from execution under any law of this state or be held or claimed as a homestead or other exemption as against such lien. If after a period of six months from the time of default in plugging and filling such well the same be not plugged and filled in accordance with the provisions of said section, such default and neglect shall constitute additional offense and shall subject the person so offending to a like penalty to be recovered as herein provided for the recovery of a penalty for a first offense. A person, co-partnership or corporation violating any other provision of this chapter shall be liable to a penalty of one hundred dollars, to be recovered, with costs of suit, in a civil action in the name of the state in the county in which the act was committed or omitted. Such suit may be brought at the instance of a resident of this state without security or liability for costs. Such penalties shall be paid into the school fund of the county in which the suit is brought.

Penalty; a lien upon fixtures, etc.

Penalty.

Sec. 6319-1. When any person, co-partnership or corporation, required by the provisions of this chapter to plug

and fill a well, are about to abandon any such well, such person, co-partnership or corporation, prior to abandoning such well, and before commencing to plug and fill it, shall notify the owner or owners of adjoining land and well owners, in sufficient time for them to attend, of their intention to abandon the well or wells and of the time when they will be prepared to commence plugging and filling the same.

Notice of
abandonment.

SECTION 2. That said original sections 6311, 6312, 6313, 6314, and 6319 be and the same are hereby repealed.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed May 10, 1910.

Approved May 21, 1910.

JUDSON HARMON,

Governor.
237.

[Senate Bill No. 151.]

AN ACT

To authorize the township trustees to expend certain moneys levied and collected under the authority of an act entitled, "An act to further supplement section 4889 of the Revised Statutes of Ohio," passed April 14, 1902.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. In all townships wherein taxes for road improvements were levied in 1909 and collected or in process of collection by and under the provision of an act entitled, "An Act to further supplement section 4889, of the Revised Statutes of Ohio", passed April 14, 1902, the trustees shall expend said funds so levied and collected in accordance with provisions of said act.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed May 10, 1910.

Approved May 21, 1910.

JUDSON HARMON,

Governor.
238.

[House Bill No. 582.]

AN ACT

To authorize the county commissioners of Lorain county, Ohio, to pay to Ray Van Deusen a sum not to exceed five hundred dollars.

WHEREAS, on March 21, 1910, Mr. Ray Van Deusen, turn-key at the county jail at Lorain county was murderously assaulted by two prisoners with a piece of gas pipe in making their escape from the jail and beat him to a condition of insensibility, and

WHEREAS, for more than a week after the assault occurred Mr. Van Deusen's life hung by a thread, in fact the doctors gave expression to the opinion that he could not survive the operation. He lingered along, however, for about ten days and much to the surprise of even his physicians has shown wonderful recuperative power and at this date is but able to walk about, and

WHEREAS, there is an overwhelming sentiment on the part of the people of Lorain county in favor of the county paying the expenditures caused by the necessary operation, hospital fees and doctors' bills, therefore

Be it enacted by the General Assembly of the State of Ohio:

Ray Van
Deusen do-
nation.

That the board of county commissioners of Lorain county is hereby authorized and empowered to allow an order to be paid the expenses incurred by the injuries of Mr. Ray Van Deusen out of the general fund of Lorain county not otherwise appropriated a sum not to exceed five hundred dollars.

That upon such allowance by said board of county commissioners, the auditor of said county is authorized and directed to draw his warrant on the treasurer of said county for the amount so allowed and the treasurer of said county is authorized and directed to pay the same.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 21, 1910.

JUDSON HARMON,
Governor.
239.

AN ACT

To amend section 7308 of the General Code, relating to final report of road commissioners.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7308 of the General Code, be amended to read as follows:

Sec. 7308. When the commissioners of a free turnpike road have completed it, they shall forthwith make a final report to the county commissioners of the total expenditures on the road and deposit their books and papers with the county commissioners. Upon the acceptance of said road by the county commissioners, as provided in this chapter, and the approval of the final report, the road shall be kept open and in repair, as provided in chapter eleven of this title. Money remaining in the hands of the free turnpike commissioners upon the acceptance of the road by the county commissioners shall be paid into the county treasury and paid out in conformity to law. Whenever any free turnpike road, constructed in accordance with the provisions of this chapter, shall have been fully paid for, and the bonds and coupons, if bonds have been issued thereon, shall have been redeemed, and the pike commissioners of such road shall have ceased to exist, any money remaining in the treasury of the county in which such road was or shall be constructed, and which was derived from taxation or the sale of bonds to construct such road, shall, upon the order of the county commissioners, be paid over, upon the warrant of the county auditor in such amounts and at such intervals as they deem proper, to the pike superintendent, or superintendents as the case may be, to be by such superintendent or superintendents used, under the provisions of chapter eight, title IV, part II, in making repairs of such road, for the construction of which such remaining money was raised. And this provision shall apply in all cases where there is now a balance remaining in the county treasury, as well as to all such cases as may arise in the future.

Final report.

Return of surplus.

SECTION 2. That said original section 7308 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 21, 1910.

JUDSON HARMON,

Governor.
240.

[House Bill No. 29.]

AN ACT

To amend section 4944 of the General Code, relating to compensation of judges and clerks of elections.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4944 of the General Code, be amended so as to read as follows:

Compensation of judges and clerks.

Sec. 4944. The registrars of each election precinct in such cities shall be allowed and paid for their services as registrars four dollars per day and no more for not more than six days at any one election. In registration cities having a population of three hundred thousand or more by the last preceding federal census, the judges of election, including the registrars as judges and the clerks of election, shall each be allowed and paid ten dollars for each general election and five dollars for each special election, at which they serve and no more, either from the city or county. In all other registration cities, the judges of election, including the registrars as judges and clerks of election, shall each be allowed and paid five dollars for each election at which they serve and no more, either from the city or county. No registrar, judge or clerk shall be entitled to the compensation so fixed except upon the allowance and order of the board of deputy state supervisors made at a joint session, certifying that each has fully performed his duty according to law as such, and stating the number of days' service actually performed by each. Such allowance and order shall be certified by the chief deputy and clerk of the board to the city or county auditor.

Certificate of board.

SECTION 2. That said section 4944, be and the same is hereby repealed.

GRANVILLE W. MCONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 21, 1910.

JUDSON HARMON,
Governor.
241.

[House Bill No. 222.]

AN ACT

To compel commission merchants to render itemized accounts.

Be it enacted by the General Assembly of the State of Ohio:

Section 5887-1. SECTION 1. That it shall be the duty of all commission

merchants, firms, companies and corporations, and all other persons or consignees in this state, receiving fruits, vegetables, butter, eggs, poultry, cattle, horses, sheep, or any other product or property to be sold on commission, immediately upon the consummation of the sale to make and render an itemized statement of such sale to the consignor showing the gross amount of the sale, the freight and express charges, together with all other charges against the goods which consignee may reasonably incur, and the net proceeds of the sale.

Itemized
statement of
sale.

Section 5887-2. SECTION 2. That it shall further be the duty of all commission merchants, firms, companies and corporations doing business as provided in section 1 hereof, to keep a record of the gross amount of each sale, and all freight, express, and other charges against the goods which the consignee may reasonably incur, and the net proceeds of the sales; which record shall be open for inspection at any time upon request of any consignor or his duly authorized agent or attorney.

Record; what
to show.

Section 5887-3. SECTION 3. That any commission merchant, firm, company, corporation, or persons violating this act, or any section hereof, or who renders wilfully any false itemized account provided for herein, shall be guilty of a misdemeanor and, upon conviction shall be fined not less than ten dollars, nor more than two hundred dollars.

Penalty.

The sectional
numbers on
the margin
hereof are des-
ignated as pro-
vided by law.
U. G. DENMAN,
Atty. Gen.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 21, 1910.

JUDSON HARMON,
Governor.
242.

[Senate Bill No. 193.]

AN ACT

To amend sections 2980, 2985, 2986 and 2987 of the General Code, by excepting court constables.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2980, 2985, 2986 and 2987 be amended so as to read as follows:

Sec. 2980. On the twentieth of each November such officer shall prepare and file with the county commissioners a detailed statement of the probable amount necessary

Exception as
to court con-
stables.

to be expended for deputies, assistants, book-keepers, clerks and other employes, except court constables, of their respective offices, showing in detail the requirements of their offices for the year beginning January 1st next thereafter with the sworn statement of the amount expended by them for such assistants for the preceding year. Not later than five days after the filing of such statement, the county commissioners shall fix an aggregate sum to be expended for such period for the compensation of such deputies, assistants, book-keepers, clerks or other employes of such officer, except court constables, which sum shall be reasonable and proper, and shall enter such finding upon their journal.

Exception.

Sec. 2985. In case any transfer of moneys has been theretofore made to a fee fund, the board of county commissioners, at the end of any such quarter, shall transfer from the fee funds any amount therein, derived from any such offices, in excess of that necessary to pay the compensation of such officer and his deputies, assistants, book-keepers, clerks or employes, except court constables, for the ensuing quarter, to the funds from which such transfers were made, until fully reimbursed. Thereafter, or where no transfer has been made such funds shall be transferred from the fee funds to the credit of the general fund of the county. Such transfers may be made upon the authority herein provided, any law to the contrary notwithstanding. From such action of the commissioners, an appeal may be taken to the common pleas court by a taxpayer of the county, which shall be heard and determined by the court or judge thereof within twenty days after being perfected.

Exception.

Sec. 2986. If a probate judge, sheriff, clerk of the court of common pleas, or recorder has not received the full amount of his salary for any year, as provided in this chapter, but, during such year, has earned fees payable to his office in an amount equal to the aggregate of his salary and the compensation paid for that year to his deputies, assistants, book-keepers, clerks and other employes, except court constables, he shall be entitled to receive from the proper fee fund, on the allowance of the county commissioners, an amount equal to the difference between his salary for such year paid to him during his incumbency and the salary for that year, as herein fixed, whenever that amount is collected by a successor to him in office from the unpaid fees earned during such year, or, if the entire difference be not collected, he shall receive such part thereof as is so collected.

Exception.

Sec. 2987. The deputies, assistants, clerks, book-keepers and other employes, except court constables, of each of such offices shall be paid upon the warrant of the county auditor from the fees, costs, percentages, penalties, allowances, and other perquisites or sums of whatever kind collected and paid into the county treasury and credited by

the treasurer to the fee fund of such offices, or transferred as hereinbefore provided.

SECTION 2. That said original sections 2980, 2985, 2986 and 2987 of the General Code be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 21, 1910.

JUDSON HARMON,
Governor.
243.

[House Bill No. 456.]

AN ACT

To amend section 671, 695, 744, 775, 784, 796, 817, 853, 1089, 1165, 1358, 1369, 1505, 2265, 2268, 2269, 2270, 2271, 2275, 2276, 2279, 2280 and 2284 and to supplement sections 320 and 1387 and to repeal section 2272 of the General Code relative to reports of the departments of state and state institutions.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 671, 695, 744, 775, 784, 796, 817, 853, 1089, 1165, 1358, 1369, 1505, 2265, 2268, 2269, 2270, 2271, 2275, 2276, 2279, 2280, 2284 of the General Code be amended, and sections 320 and 1387 be supplemented by the enactment of sections 320-1 and 1387-1 to read as follows:

Sec. 320-1. The treasurer of state shall make an annual report to the governor, containing a detailed statement of all moneys in the state treasury or on deposit, together with an itemized statement of all bonds held as security. The treasurer shall include in his report such suggestions as in his opinion are of importance to the state, and such other information as the governor may require.

Treasurer's
annual report.

Sec. 671. The superintendent of insurance shall keep and preserve a full record of his proceedings, including a concise statement of the condition of each insurance company or association, authorized to transact business in this state. Each year at the earliest practicable date after their annual statements are received, he shall make a report to the governor of their general conduct and condition, including the information contained in the statements required of them, arranged in tabular form in two separate reports, one pertaining to life insurance companies and the other to insurance companies other than life, and in such report the superintendent may make such suggestions as he deems expedient. He shall also include therein the names and compensations of the clerks employed by him,

Superintendent of insurance;
annual report.

the amount of receipts and the sources from which derived, and the amount of expenses in detail during the year ending the thirty-first day of December.

Building and
loan; annual
report.

Sec. 695. The inspector of building and loan associations shall keep and preserve in permanent form a full record of his proceedings, including a concise statement of each association examined, and make an annual report to the governor of the general conduct and condition of the building and loan associations doing business in this state, with such suggestions as he deems proper. Such report shall include the information contained in the statements required of the associations in tabulated form. He shall also report the names and compensation of the clerks employed by him, the whole amount of the income of his office, the source thereof, and the expenditures of his department during the year ending the thirty-first day of December.

Sec. 744. Such reports shall be printed in like manner and the expenses thereof paid as provided by law for the publication of the reports of state officers.

Agricultural
bulletins.

Sec. 775. The bulletins of the agricultural experiment station specified in the sixth class shall be printed by the board of control under the supervision of the director of the experiment station. The distribution of the bulletins and annual reports shall be in charge of the director of the experiment station.

Acceptance by
secretary of
state.

Sec. 784. Each contractor for state printing shall deliver all printed reports executed by him, by order of an executive department, to the secretary of state, or, on the order of the supervisor of printing, to the proper contractor for binding. Each contractor for binding shall deliver all bound reports executed by him as provided by law to the secretary of state. The secretary of state shall ascertain if the number of reports received corresponds to the number of reports authorized by law to be printed. Finding the number to be correct he shall give proper receipts for same to the supervisor of printing.

Sec. 796. The board of library commissioners, when it deems proper, may through the secretary of state, forward copies of the publications of the state to any university, college, public library, society or individual.

Commission-
er of sol-
diers' claims;
annual report.

Sec. 817. The state commissioner of soldiers' claims shall keep a register showing the situation and disposition of each claim, and a correct account of moneys received, from whom and when, and when paid out. Such books and accounts shall at all times be open for inspection. In his annual report to the governor he shall set forth such information concerning his department as in his judgment will be of general interest to the public. When such reports are deemed of sufficient interest and importance, the commissioners of printing may authorize a sufficient number of such reports printed for distribution in same manner as provided for reports of other departments.

Sec. 853. After payment of salaries due him and his deputies and the expenses incident to the conduct of his office, the state inspector of oils shall pay, quarterly, into the state treasury all moneys received by him under this chapter. On the second Monday of each year he shall make and deliver to the governor a report of inspections and a statement of the receipts and expenditures of his department during the preceding year.

Inspector of
oils; annual
report.

Sec. 1089. The state board of agriculture shall make an annual report to the governor, embracing its proceedings for the preceding year, an abstract of the proceedings of the several county agricultural societies, and a general view of the condition of agriculture throughout the state, with such recommendations as it deems proper.

Board of Agri-
culture; an-
nual report.

Sec. 1165. From time to time the board of control shall issue bulletins of its experiments and work. It shall make an annual report to the governor which shall be published in pamphlet form for free distribution.

Board of con-
trol; annual
report.

Sec. 1358. Biennially, the board of state charities shall make a report of its proceedings to the governor. The report shall contain in detail a statement of expenses incurred, officers and agents employed, the conditions of state institutions under its control, and such suggestions as it deems proper.

Biennial re-
port of board
of state chari-
ties.

Sec. 1369. The commissioners for the blind shall make an annual report to the governor of its proceedings for each fiscal year. It shall embody therein a properly classified and tabulated statement of its estimates for the ensuing year with its own opinion as to the necessity or expediency of appropriation in accordance with such estimates. Such annual report shall also present a concise review of the work of the commission for the preceding year with such suggestions and recommendations for improving the condition of the blind as may be expedient.

Blind commis-
sion; annual
report.

Sec. 1387-1. The commissioners of fish and game shall make an annual report to the governor presenting a concise review of the work of the commission for the preceding year, with such suggestions for improving the usefulness of the commission as they may deem proper.

Fish and game
commission; annual
report.

Sec. 1505. The clerk of the supreme court shall keep his office at the seat of government, in the room or rooms provided for that purpose. He shall be furnished by the state with all necessary printing, books, blanks, stationery and furniture.

Sec. 2265. Each state officer and board, and officer of each state institution or building, required by law to make an annual or biennial report to the governor, shall file it with the governor on or before the twentieth day of November of each year, unless otherwise provided by law. The governor shall cause such reports to be printed and made a part of the executive documents, except such reports as are bound in cloth as provided by law, as soon as practicable and a copy of such executive documents shall

When reports
to be filed.

**Reports of
elective state
officers.**

be placed upon the desk of each member of the general assembly. In case the general assembly is not in session at the time the executive documents are ready for distribution, the secretary of state shall cause such executive documents to be sent to each member of the general assembly.

Sec. 2268. The annual reports of the elective state officers and board shall be printed as follows:

Secretary of state, including statistics, two thousand two hundred copies.

Auditor of state, including detailed statement of receipts and disbursements, one thousand two hundred copies.

Treasurer of state, one thousand copies.

Attorney general, four hundred copies.

Commissioner of common schools, nine thousand copies.

Dairy and food commissioner, two thousand five hundred copies.

Board of public works, three hundred copies.

Executive documents, seven hundred copies.

Commissioners of sinking fund, fifty copies.

Sec. 2269. The annual reports of the appointive state officers and boards shall be printed as follows:

Adjutant general, eight hundred copies.

State board of agriculture, two thousand five hundred copies; report of live stock commission, fifteen thousand copies; report of nursery and orchard inspection, ten thousand copies; report of inspection of feed stuffs, ten thousand copies; report of inspection of fertilizers, ten thousand copies.

Superintendent of banks, seven hundred copies.

Commission for the blind, two thousand copies.

State board of dental examiners, two hundred and fifty copies.

State fire marshal, two thousand five hundred copies.

Commissioners of fish and game, two hundred copies.

State board of health, three thousand two hundred and fifty copies.

State highway commission, five thousand copies.

Superintendent of insurance as follows: Life insurance, one thousand two hundred copies; other than life, one thousand two hundred copies; building and loan, one thousand five hundred copies.

Commissioner of labor statistics, three thousand five hundred copies.

State board of library commissioners, three hundred copies.

Chief inspector of mines, five thousand copies.

State inspector of oils, three hundred copies.

Supervisor of public printing, four hundred copies.

State railroad commission, each report to contain a railroad map of the state, seven hundred copies; in addition there shall be printed railroad maps on cloth paper to be mounted on rollers, sixteen thousand copies; in pocket edition form, eight thousand copies.

Ohio State University, five thousand copies.

Chief inspector of workshops and factories, one thousand seven hundred and fifty copies.

Sec. 2270. The biennial reports of the state benevolent and correctional institutions shall be printed as follows: Five hundred copies of the report of each institution. Board of state charities, two thousand copies.

Sec. 2271. The annual reports of the penal institutions of the state shall be printed as follows:

State reformatory, five hundred copies.

Ohio penitentiary, five hundred copies.

Provided that each benevolent or correctional or penal institution of the state having a printing department of sufficient equipment shall print its own report.

Sec. 2275. At the time the messages of the governor and inaugural addresses of the governor-elect, and the reports of the various departments and institutions of the state are printed there shall be printed on the same type seven hundred copies of each, in a volume or volumes of about one thousand pages each, paged consecutively, with running heads designating each report.

Each volume shall be styled "Executive Documents," and bound in half law binding, with an index at the commencement or closing thereof, prepared by the public printer. Upon the back of each volume of documents the word "Ohio" shall appear as a part of the label. No charge shall be made for printing such executive documents except for the index and title page, but the commissioners of public printing may allow a fair compensation for the time consumed in changing the forms. All reports authorized by law to be bound in cloth shall not be included in the executive documents.

"Executive Documents."

Sec. 2276. One bound copy of the executive documents and one bound copy of each of the journals and appendixes, and one bound copy of each of the reports of the secretary of state, auditor of state, commissioner of common schools, superintendent of insurance, commissioner of labor statistics, state board of agriculture, and railroad commission, including fifty maps of the state on rollers, and one hundred pocket maps of the state shall be sent to each member of the general assembly, and two copies each of the executive documents, journals and appendixes to the auditor of each county, one of which shall be filed in his office and the other in the office of the county clerk.

Distribution.

Sec. 2279. The secretary of state shall deliver to each elective state officer and board one copy of each of the journals and executive documents, and two copies of the laws; to each of the other state departments, and to each state benevolent, correctional or penal institution, one copy of each of such publications. He shall furnish such number thereof as the governor deems necessary, for distribution among the executives of other states and forward one copy of the laws to the judge, clerk, district attorney, and

Distribution by secretary of state.

marshal of each United States court within this state.

Sec. 2280. The secretary of state shall forward to the auditor of each county the number of copies of the laws, journals and executive documents to which it is entitled. He shall also forward the agricultural reports and reports of the state school commissioner, and such additional volumes of the laws as he deems proper to the auditor of the counties in proportion to their representation in the house of representatives. The treasurer of each county, on the order of the auditor thereof, must pay the charges for transportation of such publications.

Surplus distri-
bution.

Sec. 2284. The secretary of state shall make distribution of all copies of the laws, journals, executive documents and reports as is provided by law. Provided that if in any case no provision is made by law for the distribution of any or all such reports then the same or surplus thereof shall be distributed by the secretary of state on the order of the officer or institution making the report.

SECTION 2. That said original sections 671, 695, 744, 775, 784, 796, 817, 853, 1089, 1165, 1358, 1369, 1505, 2265, 2268, 2269, 2270, 2271, 2272, 2275, 2276, 2279, 2280 and 2284 of the General Code and all sections and parts of sections inconsistent herewith be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.
Approved May 21, 1910.

JUDSON HARMON,
Governor.
244.

[Senate Bill No. 23.]

AN ACT

To amend section 9419 of the General Code, relating to the regulation of the conditions and provisions to be contained in policies of life insurance companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 9419 of the General Code be amended so as to read as follows:

Preliminary
term insur-
ance.

Sec. 9419. Policies issued on the standard forms prescribed in such sections may provide for not more than one year preliminary term insurance by incorporation therein of the following clause immediately preceding the "Change of Beneficiary clause":

"The first year's insurance under this policy is Term insurance."

If the premium charged for Term insurance under a Limited-Payment Life or Endowment Preliminary Term

policy providing for the payment of all premiums thereon in less than twenty years from the date of the policy exceeds that charged for like insurance under Whole Life Preliminary Term policies of the same company, the reserve thereon at the end of any year, including the first, shall not be less than the reserve on a Whole Life Preliminary Term policy issued in the same year and at the same age together with an amount which shall be equivalent to the accumulation of a net level premium sufficient to provide for a Pure Endowment at the end of the premium-payment period equal to the difference between the value at the end of such period of such a Whole Life Preliminary Term policy and the full reserve at such time of such a Limited-Payment Life or Endowment policy.

Reserve provision.

SECTION 2. That said original section 9419 of said General Code, be and the same is hereby repealed.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed May 10, 1910.

Approved May 21, 1910.

JUDSON HARMON,

Governor.

. 245.

[Senate Bill No. 86.]

AN ACT

To amend sections 2715, 2732, 2736 and 2737 of the General Code, relative to county depositaries.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2715, 2732, 2736 and 2737 of the General Code be amended so as to read as follows:

Sec. 2715. The commissioners in each county shall designate in the manner hereinafter provided a bank or banks or trust companies, situated in the county and duly incorporated under the laws of this state, or organized under the laws of the United States, as depositary or depositaries of all the money coming into the possession of the county treasurer, except as hereinafter provided. In a county where such bank or trust company does not exist or fails to bid as provided herein or to comply with the conditions of this chapter relating to county depositaries, the commissioners shall designate any other bank or banks so incorporated or organized, located and doing business in this state. No bank or trust company shall receive a larger deposit than, and in no event to exceed, one million dollars. If there is no such bank at the county seat of a county, any private bank may be authorized to receive such funds, upon giving security to sufficiently cover such deposits, in the

County depositaries.

Maximum deposit.

same manner and upon the same conditions as provided by law in case of banks and trust companies.

Securities specified.

Sec. 2732. In place of the undertaking provided for herein, the commissioners may accept as security for money so deposited the following securities:

(a) Bonds or other interest bearing obligations of the United States or those for the payment of principal and interest of which the faith of the United States is pledged, including bonds of the District of Columbia;

(b) Bonds of the state of Ohio;

(c) Legally issued bonds of any city, village, county, township or other political sub-division of this state and as to which there has been no default of principal, interest or coupons and which in the opinion of the treasurer are good and collectible, provided the issuing body politic has not defaulted at any time since the year 1880 in the payment of the principal and interest of any of its bonds.

Duty of treasurer.

Sec. 2736. Upon the receipt by the county treasurer of a written notice from the commissioners that a depository, or depositories, have been selected in pursuance of law, and naming the bank or banks or trust companies so selected, such treasurer shall deposit in such bank or banks or trust companies as directed by the commissioners, to the credit of the county all money in his possession, except such as is necessary to meet current demands. Thereafter before noon of each business day, he shall deposit therein all money received by him the preceding business day except as hereinbefore provided. Such money shall be payable only on the check of the treasurer. The proceeds of checks, warrants, drafts or other claims deposited for collection and on which no interest is paid as provided by law shall be promptly returned to the county treasury.

Interest on daily balances.

Sec. 2737. All money deposited with any depository shall bear interest at the rate specified in the proposal on which the award thereof was made, computed on daily balances, and on the first day of each calendar month or at any time such account is closed, such interest shall be placed to the credit of the county, and the depository shall notify the auditor and treasurer, each separately, in writing of the amount thereof before noon of the next business day. All such interest realized on the money belonging to the undivided tax funds shall be apportioned by the county auditor to the state, cities, city school district and county taxing or assessing districts in the proportion that the amounts collected for the respective political divisions or districts bear to the entire amount collected by the county treasurer for such undivided tax funds and deposited as herein provided, due allowance being made for sums transferred in advance of settlements. All interest apportioned as the county's share together with all interest arising from the deposit of funds belonging specifically to the county shall be credited to the general fund of the county by the county treasurer. The county auditor shall inform the

Apportionment of interest.

treasurer in writing of the amount apportioned by him to each fund, district or account.

SECTION 2. That said original sections 2715, 2732, 2736 and 2737 of the General Code be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 21, 1910.

JUDSON HARMON,
Governor.
246.

[House Bill No. 283.]

AN ACT

To amend and supplement section 1174 of the General Code, relative to the regulation of the practice of veterinary medicine and surgery.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1174 of the General Code be amended and supplemented by the enactment of section 1174-1 so as to read as follows:

Sec. 1174. Before entering upon the practice of veterinary medicine and surgery in this state each person, except such as qualify as hereinafter provided, shall pass an examination as to his qualifications and fitness to engage in such practice. Said examination shall be conducted by the state board of veterinary examiners and shall include veterinary anatomy, veterinary physiology, general pathology, veterinary pathology, materia medica, veterinary therapeutics, principles and practice of veterinary medicine, veterinary surgery, veterinary obstetrics, and the control of contagious diseases of domestic animals; and an average grade of at least 70% shall be required for passage.

Veterinary
examinations.

Sec. 1174-1. Any person who within six months after the passage of this act, submits satisfactory evidence to the state board of veterinary examiners that he was engaged in the practice of veterinary medicine and surgery in this state prior to May 21st, 1894, and who pays a fee of \$2.50 to said board, shall be entitled to practice veterinary medicine and surgery in this state and shall receive a certificate from the said board signed by the members thereof, which certificate shall state that the person to whom it is given is legally entitled to practice veterinary medicine and surgery in this state; and no person shall, after six months following the passage of this act, practice veterinary medicine and surgery in this state without first having obtained

Certificate to
old practi-
tioners.

from the state board of veterinary examiners a certificate entitling him to engage in such practice.

SECTION 2. That said original section 1174 of the General Code be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 23, 1910.

JUDSON HARMON,
Governor.
247.

[Senate Bill No. 114.]

AN ACT

To provide for agricultural extension work by the college of agriculture and domestic science of Ohio state university.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7974 of the General Code be amended so as to read as follows:

Sec. 7974. In addition to the holding of such schools, such college shall give instruction and demonstrations in various lines of agriculture, at agricultural fairs, institutes, granges, clubs, or in connection with any other organizations, that, in its judgment, may be useful in extending agricultural knowledge. The work in extension may also include instruction by mail in agricultural and mechanical arts, and the publication of bulletins designed to carry the benefits of its teachings to communities remote from the college. Any common carrier is authorized and empowered to carry the persons employed by, and the equipment and exhibits used in such instruction and demonstrations, free or at reduced rates.

Instructions
by mail.

SECTION 2. That said original section 7974 of the General Code be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

Approved May 23, 1910.

JUDSON HARMON.
Governor.
248.

[House Bill No. 209.]

AN ACT

To prohibit the furnishing or giving away of food without charge in any place in this state where intoxicating liquors are sold.

Be it enacted by the General Assembly of the State of Ohio:

Section 13224-1 SECTION 1. That it is hereby declared to be unlawful for any person engaged in the business of selling, furnishing or giving away malt, brewed, fermented, vinous or intoxicating liquors at retail by himself, his clerk, servant, agent or representative, directly or indirectly, to give away or furnish to any person free of charge in the place where said business is carried on, any food except crackers, cheese and pretzels.

Free lunch:
Crackers,
cheese and
pretzels.

Section 13224-2 SECTION 2. It shall hereafter be unlawful for any person engaged in the business of selling, furnishing or giving away malt, brewed, fermented, vinous or intoxicating liquors at retail by himself, his servant, clerk, agent or representative to give away or furnish to any person in any place where said business is carried on any intoxicating liquors in consideration in part or in whole for any food purchased in such place.

Sale of lunch
not to include
drinks.

Section 13224-3 SECTION 3. Any person violating the provisions of this act shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or imprisonment not more than ten days or both.

Penalty.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

This bill was presented to the governor May 11, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state May 24, 1910.

The sectional
numbers on
the margin
hereof are des-
ignated as pro-
vided by law.
U. G. DENMAN,
Atty. Gen.

JOHN W. DEVANNEY,
Veto Clerk.
249.

[Senate Bill No. 110.]

AN ACT

To establish a police court in the city of Akron, Summit county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there is hereby established in the city of Akron, Summit county, a police court to be held by a judge which court shall be styled the police court and be

Akron police
court: estab-
lishment.

a court of record, and shall have jurisdiction of any offense under any ordinance of the said city of Akron and of any misdemeanor committed within the limits of Summit county, to hear and finally determine the same and impose the prescribed penalty; but cases in which the accused is entitled to a trial by jury shall be so tried unless a jury be waived in writing by the accused. Such court shall have a clerk who shall have the qualifications of an elector and shall be elected in the same manner and for the same term as other police court clerks are elected.

Powers of
court.

SECTION 2. In felonies committed within the county such court shall have the power to hear the case and discharge, recognize or commit, and if upon such hearing the court is of the opinion that the offense committed is only a misdemeanor and that such court has jurisdiction of such offense, a plea of guilty may be received and judgment and sentence pronounced.

SECTION 3. Such court shall have power to issue process, preserve order and punish contempts, summon and impanel jurors, grant new trials and motions in arrest of judgment, suspend execution of sentence upon notice of intention to apply for leave to file a petition in error, and such other powers as may be necessary for the exercise of the jurisdiction herein conferred, and the enforcement of the judgments and orders of the court. Such judge and clerk shall have authority to administer all oaths necessary in the exercise of the duties and powers of such court.

State and city
cases.

SECTION 4. Prosecution for offenses against the laws of the state shall be brought and conducted in the name of the state and prosecutions for violations of city ordinances shall be brought and conducted in the name of the city of Akron, and in any case a new trial may be granted and for the same cause as in like cases in the court of common pleas.

Juries.

SECTION 5. The court shall have power to compel the attendance of witnesses, jurors and parties; jurors shall have the qualifications and be subject to the challenges of those in court of common pleas in like cases; they shall be selected, summoned and impaneled in accordance with an ordinance of the council; or if no such ordinance is in force, in accordance with a rule of the court and they shall receive the same fees as are allowed jurors and witnesses in courts of justice of the peace; other fees shall be the same as before the justice of the peace in like cases.

SECTION 6. The court shall always be open for the transaction of business, but may adjourn from day to day or from time to time and shall be considered as holding monthly terms, each commencing on the first Monday of the month.

Rules of prac-
tice.

SECTION 7. The judge shall adopt such rules of practice and procedure as will give each party a proper statement of any charge against him and a full opportunity of being heard.

SECTION 8. Such judge shall be an elector of the city

and an attorney and counsellor at law duly admitted and licensed to practice law in this state. He shall be elected by the electors of said city of Akron at the regular fall election in 1911 for a term of four years commencing on the first Monday of January next after his election. His successors shall be elected at the regular fall election each four years thereafter.

Qualifications
of judge;
election, term,
etc.

SECTION 9. Any vacancy caused in said office by reason of death, removal, resignation or otherwise, shall be filled by the governor until a successor is elected and qualified, and such successor shall be elected for the unexpired term at the first municipal election that occurs more than thirty days after the vacancy shall have happened.

Vacancies.

SECTION 10. The bond and compensation of said judge and clerk shall be fixed by the council.

Compensation
of judge.

SECTION 11. The city solicitor of the city of Akron shall be the prosecuting attorney of said court in accordance with the provisions of section forty-three hundred six of the General Code.

Prosecutor.

SECTION 12. The general provisions of law relating to police courts and to clerks thereof shall apply to said court insofar as the same are applicable and not inconsistent with or contradictory to the provisions of this act.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

This bill was presented to the governor May 11, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state May 24, 1910.

JOHN W. DEVANNEY,
Veto Clerk.
250.

[House Bill No. 502.]

AN ACT

To amend sections 1981 and 2031 of the General Code, relating to costs and expenses in lunacy cases.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1981 and 2031 of the General Code be amended so as to read as follows:

Sec. 1981. The probate judge shall make a complete record of all proceedings in lunacy. The taxable costs and expenses to be paid under the provisions of this chapter shall be as follows: To the probate judge with whom the affidavit is filed, the sum of two dollars for holding an in-

Lunacy pro-
ceedings;
costs and ex-
penses.

Arrests.

State hospital
provision.

quest, and for all clerical services he necessarily performs, the same fees as are allowed by law for like services, and the postage on communications to and from the superintendent which the judge is required to pay; to the medical witnesses who make out the certificate, three dollars and mileage as allowed by law in civil cases each; to witnesses and constables, the same fees as allowed by law for like services in other cases; to each person employed by the probate judge to commit a lunatic to the county infirmary, seventy-five cents per day; to the jailer for keeping an idiot or insane person, thirty-five cents per day; to the sheriff or other person making the arrest, the actual and necessary expense thereof including conveyance and assistants upon the allowance of the probate judge, and such fees as are allowed by law in making arrests in criminal cases; to the sheriff, or other person, other than assistant, for taking an insane person to a state hospital, or removing one therefrom upon the warrant of the probate judge, mileage at the rate of five cents per mile, going and returning, and seventy-five cents per day for support, and mileage at the rate of three cents per mile for the railway transportation of each patient to and from the hospital, and to one assistant, five cents per mile each way, and nothing more, for such services, the number of miles to be computed in all cases by the nearest route traveled.

Sec. 2031. That all costs and expenses under this chapter shall be governed by the provisions of section 1981.

SECTION 2. That said original sections 1981 and 2031 be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

This bill was presented to the governor May 11, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state May 24, 1910.

JOHN W. DEVANNEY,
Veto Clerk.
251.

[Senate Bill No. 130.]

AN ACT

To amend section 408 of the General Code, by providing for an increase in the salary of the clerk of the board of public works.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 408 of the General Code, be amended so as to read as follows:

Sec. 408. The board of public works shall organize by the election of a member as president and the appointment of a secretary and a clerk. The secretary shall receive a salary not to exceed fifteen hundred dollars per annum. The clerk shall receive such compensation as the board directs, not to exceed nine hundred dollars each year, to be paid upon the order of the board from moneys appropriated for that purpose.

Clerk's salary.

SECTION 2. That said original sections 408 be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

This bill was presented to the governor May 11, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state May 24, 1910.

JOHN W. DEVANNEY,
Veto Clerk.
252.

[Senate Bill No. 100.]

AN ACT

To amend sections 1040, 1046, 1047, 1048, 1050 and 1056 of the General Code providing for the better protection of life and property against injury or damage resulting from the operation of steam engines and boilers by incompetent engineers and others, and to repeal sections 1054 and 1055.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1040, 1046, 1047, 1048, 1050 and 1056 of the General Code be amended so as to read as follows:

Sec. 1040. The chief examiner of steam engineers shall divide the state into ten districts. With the approval of the governor he shall appoint an assistant chief examiner and ten district examiners of steam engineers, provided, however, that not more than five of the said district examiners so appointed shall be members of the same political party, each of whom shall be a competent and practical steam engineer, and shall serve for a term of three years, and until his successor is appointed and qualified. Upon the resignation, removal or death of the chief examiner, assistant chief examiner, or a district examiner, the vacancy shall be filled for the unexpired term in the manner provided for the original appointment.

Engineers' districts, examiners, etc.

Sec. 1046. The chief examiner of steam engineers,

Traveling expenses. the assistant chief examiner, each district examiner and each clerk shall be allowed his necessary traveling expenses incurred in the discharge of the duties of his office. Such expenses shall be paid upon the warrant of the auditor of state upon presentation of proper vouchers therefor.

Horse power defined. Sec. 1047. No person shall operate a stationary steam boiler or engine of more than thirty horse power without obtaining a license to do so as provided in this chapter. A horse power as used in this section shall mean twelve square feet of boiler heating surface. No owner or user or agent of an owner or user of any such steam boiler or engine shall permit it to be operated unless it is directly in charge of a duly licensed engineer.

License application. Sec. 1048. Each person who desires to act as a steam engineer shall make application to the district examiner of steam engineers for a license, upon a blank furnished him, and shall pass an examination in the construction and operation of steam boilers, steam engines and steam pumps, and in the subject of hydraulics. The examination shall be conducted under the rules and regulations adopted by the chief examiner which shall be uniform throughout the state. The district examiners, assistant chief examiner and chief examiner may administer all oaths or affirmations to any applicant whenever the same is made necessary by the rules and regulations adopted by the chief examiner.

Examination rules.

Renewals. Sec. 1050. Upon application, the person to whom a license is issued under the provisions of this chapter shall be entitled to a renewal thereof annually, unless the district examiner for a cause named in the preceding section and upon notice and hearing shall refuse such renewal.

Penalty. Sec. 1056. Whoever, being an engineer or owner or user of a steam boiler or engine, violates any provision of this chapter, shall be fined not less than ten dollars nor more than one hundred dollars.

SECTION 2. That sections 1040, 1046, 1047, 1048, 1050, 1056, 1054 and 1055 of the General Code be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

This bill was presented to the governor May 11, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state May 24, 1910.

JOHN W. DEVANNEY,
Veto Clerk.
253.

[Senate Bill No. 121.]

AN ACT

To supplement section 3152 by a section to be known as section 3152-1, relative to the distribution of taxes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3152 of the General Code be supplemented by a section to be known as section 3152-1 as follows:

Sec. 3251-1. All taxes levied by the county commissioners of any county under the provisions of section thirty-one hundred and fifty-two shall, when collected, be paid over to the trustees of the district tuberculosis hospital upon the warrant of the county auditor, at the same time that school and township moneys are paid to the respective treasurers; and the board of trustees shall receipt therefor and deposit said funds to its credit in a bank or banks or trust company to be designated by it, and said bank or trust company shall give to said board, a bond therefor in an amount at least equal to the amount so as aforesaid deposited; and thereupon said funds may be disbursed by said board of trustees for the uses and purposes of said district tuberculosis hospital, and accounted for as provided in the foregoing sections. Each trustee shall give bond for the faithful performance of his duties in such sum as may be fixed by the joint board of commissioners, the expense of such bond, if any, shall be paid out of the fund for the maintenance of the hospital. The bond of each trustee after being approved by the joint board of commissioners shall be filed with the auditor of the county represented by him.

Taxes for
tuberculosis
hospitals.

Bond of trustee.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10th, 1910.

This bill was presented to the governor May 11, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state May 24, 1910.

JOHN W. DEVANNEY,
Veto Clerk.
254.

[Senate Bill No. 132.]

AN ACT

Providing for the establishment of a municipal court in the city of Cleveland.

Be it enacted by the General Assembly of the State of Ohio:

"The Municipal Court of Cleveland" established.

SECTION 1. That there shall be, and hereby is, established in and for the city of Cleveland, a municipal court, which shall be a court of record and shall be styled "the municipal court of Cleveland," hereinafter designated and referred to as the municipal court.

Five judges.

SECTION 2. The municipal court shall consist of five judges, one of whom shall be chief justice and all of whom shall at the time of their election be qualified electors and residents of the city of Cleveland and shall have been admitted to the practice of law at least five years.

Salaries.

SECTION 3. The salary of a judge of the municipal court shall be four thousand five hundred dollars per annum, thirty-five hundred dollars of which shall be paid out of the city treasury in monthly installments, and one thousand dollars shall be paid out of the treasury of Cuyahoga county in quarterly installments. The chief justice who shall be separately nominated and elected as such shall receive a salary of five thousand dollars per annum of which four thousand dollars shall be paid from the city treasury in monthly installments and one thousand from the treasury of Cuyahoga county in quarterly installments. The vacation of the respective judges of the municipal court shall not exceed sixty days during each year, and at such times as fixed by the chief justice and at least four judges shall be in attendance at all times.

SECTION 4. The judges of the municipal court shall be subject to the same disabilities and may be removed from office for the same causes as a judge of the court of common pleas, and vacancies arising from any cause shall be filled as prescribed for the filling of vacancies in the court of common pleas.

Nominations.

SECTION 5. The judges of the municipal court including the chief justice shall be nominated by direct vote, unless the city controlling committee of any party shall, by a majority vote, at least forty days before the time fixed by law for a primary, direct its candidates for said positions to be nominated by delegate conventions, the delegates to which shall be elected at the primary, in which case they shall be so nominated. And they shall be elected by the electors of the city of Cleveland in the same manner as the elective municipal officers are nominated and elected. The first election of said judges shall be held at the regular municipal election of 1911, at which time two judges shall be elected for two years and two judges and the chief justice for four years. At the regular municipal election next preceding the expiration of the term of office of each judge

Election November, 1911.

a successor shall be elected for a term of four years. The term of office of each judge shall commence on the first day of January next after his election and he shall hold office until his successor is elected and qualified.

SECTION 6. The municipal court shall have original jurisdiction within the limits of the city of Cleveland in the following cases:

Original jurisdiction.

1. In all civil actions and proceedings of which justices of the peace have or may be given jurisdiction.

2. In all civil actions and proceedings at law for the recovery of money or personal property of which the courts of common pleas, have, or may be given, jurisdiction, when the amount claimed by any party, or the appraised value of the personal property sought to be recovered, does not exceed one thousand dollars; and in such actions judgment may be rendered for over one thousand dollars when the excess over one thousand dollars shall consist of interest or damages or costs accrued after the commencement of the action.

3. All actions on contracts, expressed or implied, when the amount claimed by the plaintiff, exclusive of all costs, does not exceed twenty-five hundred dollars.

4. All actions in forcible entry and detainer.

5. All actions and proceedings whether legal or equitable, to enforce the collections of its own judgments.

6. All actions and proceedings of which police courts in cities have or may be given jurisdiction; and the municipal court shall succeed to and have all the powers and exercise all the functions now had and exercised by the police court in said city of Cleveland.

SECTION 7. The municipal court shall have appellate jurisdiction from a court of a justice of the peace in the following cases:

Appellate jurisdiction.

1. In all civil actions and proceedings heard and determined in a court of a justice of the peace in and for the township of Cleveland in the county of Cuyahoga.

2. In all civil actions and proceedings against a resident of the city of Cleveland, heard and determined in a court of a justice of the peace in and for any township in the county of Cuyahoga other than Cleveland township.

SECTION 8. The municipal court shall have jurisdiction in all actions and proceedings in attachment of person or property, arrest before judgment, aid of execution and interpleader for which authority is now, or may hereafter, be conferred upon the court of common pleas or the judges thereof, or upon justices of the peace, with reference to all actions pending or judgments rendered in the municipal court.

Attachment, etc.

SECTION 9. When the amount due to either party exceeds the sum for which the municipal court is authorized to enter judgment, such party may remit the excess, and judgment be entered for the residue. A defendant need not remit such excess, and may withhold setting it off.

Judgment.

A recovery for the amount set off and allowed, or any part of it, shall not be a bar to his subsequent action for the amount withheld.

Proceedings
certified to
C. P. court.

SECTION 10. Whenever the appraised value of property sought to be recovered in any action in the municipal court exceeds one thousand dollars, the judge of the municipal court shall certify the proceedings in the case to the court of common pleas of Cuyahoga county and thereupon the clerk of the municipal court shall file the original papers and pleadings, together with a certified transcript of the docket and journal entries in the case, in the office of the clerk of the said common pleas court. The bailiff shall turn over the property in his possession to the sheriff of Cuyahoga county, to be by him held as in like cases originating in the court of common pleas. The case must then proceed as if it had been commenced there.

Appeal from
J. P. court.

SECTION 11. In any action in a court of a justice of the peace which is appealable to the municipal court any party thereto may file with said justice, within five days after the rendition of a judgment or the making of a final order therein, a notice in writing that he desires to appeal from said judgment or final order to the municipal court, and forthwith all further proceedings in such action in the court of the justice of the peace shall cease, and the appeal shall be considered as perfected, and the appellant shall not be required to file bond. Said justice shall thereupon immediately transmit to the clerk of the municipal court all papers in said action, a transcript of his docket showing the proceedings and the costs of his court, and any moneys held by him in the action and the justice shall order the constable to turn over any property held by him in the action to the bailiff of the municipal court to be by him held as in like cases originating in the municipal court.

Practice and
procedure.

SECTION 12. So far as applicable and unless otherwise provided for in this act, the practice and procedure in the municipal court in original actions wherein the said court has concurrent jurisdiction with a court of a justice of the peace and in actions appealed from a court of a justice of the peace, shall be that now prescribed, or which may hereafter be prescribed, for courts of the justices of the peace. In other original actions the practice and procedure of the municipal court shall be that now prescribed, or which may hereafter be prescribed, for the court of common pleas. In criminal cases the practice and procedure shall be as now or hereafter provided by law for police courts in cities.

SECTION 13. The judges shall meet at least once in each month and at such other times as the chief justice may determine. Each judge shall at least once each month make report to the chief justice of the duties performed by him in such form and manner as the chief justice may require. The chief justice in addition to the exercise of all the other powers of a judge of said court shall have the general superintendence of the business of said court.

The judges of the municipal court may sit separately or otherwise; the chief justice may classify and distribute among the judges the business pending in said court. The judges shall prescribe forms; establish a system for the docketing of causes, motions and demurrers; publish rules governing practice and procedure not otherwise provided for in this act; designate the mode of keeping and authenticating the records of proceedings had before them; summon and impanel jurors; tax costs; compel the attendance of witnesses, jurors and parties; issue process; preserve order; punish for contempt; and may exercise all powers which are now or may hereafter be conferred upon the court of common pleas or the judges thereof, or upon justices of the peace, or upon police courts of cities or the judges thereof necessary for the exercise of the jurisdiction herein conferred and for the enforcement of the judgments and the orders of the court.

Distribution of business.

SECTION 14. A judgment rendered, or final order made, by any justice of the peace from whose court appeal may be had by the provisions of this act to the municipal court, may also be vacated, modified or reversed, by the municipal court and the proceedings in error in such case shall be the same as are now, or may hereafter be, provided for proceedings in error from a justice of the peace to the court of common pleas, and the justice shall order the constable to turn over any property in his possession to the bailiff of the municipal court to be by him held as in like cases originating in the municipal court.

Error proceedings.

SECTION 15. The municipal court shall have no jurisdiction, in either appeal or error, when any party to an action in a court of a justice of the peace shall perfect error or appeal proceedings to the court of common pleas. If in the meantime the action has been appealed to the municipal court, all proceedings in the municipal court shall thereupon cease, and the clerk of the municipal court shall transmit all papers and moneys held by him in the action and certify the costs, to the clerk of the common pleas court, and the bailiff of the municipal court shall turn over any property held by him in the action to the sheriff of Cuyahoga county, to be by him held as in like cases originating in the court of common pleas.

Transmission to C. P. court.

SECTION 16. All causes in the municipal court shall be tried to the court unless, before the court shall proceed to inquire into the merits of the cause, a jury be demanded by either party to the action.

Jury trial.

SECTION 17. Jurors in the municipal court shall be chosen and summoned in accordance with an ordinance of the council of the city of Cleveland, or if no such ordinance is in force, in accordance with a rule of the court. They shall be impaneled in the same manner and challenged for the same causes as jurors in the court of common pleas; they shall have the same qualifications and receive the same fee as jurors in the court of common pleas; their fees shall

Fee of juror.

be paid out of the treasury of the city of Cleveland. It shall be the duty of the chief justice of the municipal court to cause to be interrogated all jurors summoned for service in the municipal court, and to cause to be inquired into the qualifications of said jurors and to reject from service as jurors all persons who do not appear to possess the qualifications required by law.

New trial.

SECTION 18. In all causes the municipal court shall have the same authority to set aside a verdict or a judgment, and grant a new trial, as is now, or may hereafter be, conferred on courts of common pleas.

Court calendar.

SECTION 19. The calendar of the municipal court shall be divided into four terms of three months each, beginning respectively on the first day of January, April, July and October of each year. The chief justice of the municipal court may continue the session of any term of said court beyond the time fixed for the commencement of the next term, when such continuance is necessary to finish the trial of any cause or to receive the verdict, or pronounce judgment in any cause, the trial of which has been commenced during the term.

Satisfaction of judgment.

SECTION 20. All lands and tenements, including vested interests therein, and permanent leasehold estates renewable forever, located within the city of Cleveland, shall be bound for the satisfaction of any judgment rendered in the municipal court from the first day of the term at which judgment is rendered; but judgments by confession, and judgments rendered at the same term at which the action is commenced shall bind such lands, tenements, vested interests and permanent leaseholds only from the day on which such judgments are rendered.

Transcripts.

SECTION 21. The party in whose favor a judgment is rendered by the municipal court may file a transcript of such judgment in the office of the clerk of the court of common pleas, in the same manner and under the same conditions, as are now, or may hereafter be, provided for the filing of transcripts of judgments rendered by justices of the peace; all provisions relative to transcripts of judgments and liens of judgments rendered by justices of the peace, shall, in so far as applicable, be applied to transcripts of judgments and liens of judgments rendered by the municipal court.

Execution.

SECTION 22. The lien of a judgment of the municipal court may be enforced in the court of common pleas in the same manner as the lien of a judgment rendered by the court of common pleas. Execution may be issued on such judgment at any time after a transcript thereof has been filed, as if the judgment had been rendered by the court of common pleas; but all liens shall remain as provided in this act.

SECTION 23. The records of the municipal court may be proved by the production of the original records, or by

a transcript thereof certified by clerk of said court under its seal.

SECTION 24. The clerk of the municipal court shall make and keep up an alphabetical index of the names of all plaintiffs and defendants to suits filed in said court.

SECTION 25. When the summons has been served or the publication made, the action in the municipal court is pending so as to charge third persons with notice of its pendency. While pending, no interest can be acquired by third persons in the subject of the action, as against the plaintiff's title.

SECTION 26. Proceedings in error may be taken to the court of common pleas of Cuyahoga county from a final judgment or order of the municipal court in the same manner and under the same conditions as provided by law for proceedings in error from the court of common pleas to the circuit court. In such case the clerk and the bailiff of the municipal court shall turn over any moneys or property held by either of them in the action to the clerk and the sheriff respectively of Cuyahoga county, to be by them held as in like cases originating in the court of common pleas.

Error.

SECTION 27. No assignment of error in a reviewing court shall be allowed in any action which shall call in question the decision of the municipal court in reference to any matter pertaining to the practice in said court; provided, however, that the reviewing court may grant relief from any error of the municipal court in respect to a matter of practice therein in any case where in the opinion of the reviewing court such relief is necessary to prevent a failure of justice.

SECTION 28. The laws governing the court of common pleas as to motions for new trial, vacation or modification of judgment before and after terms, the referring of matters by consent of parties to a referee, the issuing of execution and orders for stay of execution, and the taking of depositions, shall be held to apply, so far as applicable, to the municipal court. Provided, that all laws now existing or hereafter enacted, pertaining to the stay of execution of a judgment rendered in a court of a justice of the peace shall apply to the municipal court in all original causes wherein the municipal court has concurrent jurisdiction with a court of a justice of the peace.

Motions.

Stay of execution.

SECTION 29. At the municipal election of 1911 and every four years thereafter, there shall be nominated and elected a clerk of the municipal court in the same manner as other municipal officers are nominated and elected, who shall serve until his successor is elected and qualified. He shall receive a salary of four thousand five hundred dollars a year, twenty-five hundred of which, payable in monthly installments from the treasury of the city of Cleveland, and two thousand dollars in quarterly installments from the treasury of Cuyahoga county. Deputies to

Clerk; election, etc.

the clerk shall be designated as hereinafter provided for in this act.

Powers of
clerk.

SECTION 30. The clerk of the municipal court shall have general powers to administer oaths, and take affidavits, and to issue executions upon any judgment rendered in the municipal court, including a judgment for unpaid costs; he shall have power to issue and sign all writs, process and papers issuing out of the court, and to attach the seal of the court thereto; shall have power to approve all bonds, recognizances and undertakings fixed by any judge of the court or by law; shall file and safely keep all journals, records, books and papers belonging or appertaining to the court, record its proceedings and perform all other duties which the judges of the court shall prescribe. He shall pay over to the proper parties all moneys received by him as clerk; he shall receive and collect all costs, fines and penalties, and shall pay the same quarterly to the treasurer of the city of Cleveland and take his receipt therefor, but money deposited as security for costs shall be retained by him pending the litigation; he shall keep a book showing all receipts and disbursements, which shall be open for public inspection at all times; and shall on the first Monday of each term of court make to the city auditor a report of all receipts and disbursements for the preceding term. He shall succeed to and shall have all the power and perform all the duties of police clerks except as to appointment of deputy clerks.

List of titles.

SECTION 31. All moneys deposited as security for costs and all other moneys, other than costs, paid into the municipal court, shall be noted on the record of the cause in which they are paid and shall be deposited by the clerk in such banking institutions as shall be designated by the judges of the court, there to abide the order of the court and to bear interest at not less than two per cent. per annum. On the first Monday in January of each year the clerk shall make a list of the titles of all causes in the municipal court which were finally determined more than one year past, in which there remains unclaimed in the possession of the clerk of any such funds, or any part of a deposit for security for costs not consumed by the costs in the case. The clerk shall give notice of the same to the parties entitled to said moneys, or to their attorneys of record. All such moneys remaining unclaimed on the first day of April of each year shall be paid by the clerk to the city treasurer, provided, however, that any part of such moneys shall be paid to the person having the right thereto upon proper certificate of the clerk to the court.

Clerk's bond.

SECTION 32. Before entering upon the duties of his office the clerk of the municipal court shall make and file in the office of the clerk of the city of Cleveland a bond in the penal sum of ten thousand dollars, with two or more sufficient sureties to be approved by the council of the city of Cleveland, conditioned upon the faithful performance of

his duties as such clerk. The said bond shall be given for the benefit of the city of Cleveland and for the benefit of any persons who may suffer loss by reason of a default in any of the conditions of said bond. A vacancy in the office of clerk of the municipal court shall be filled by the mayor for the unexpired term.

SECTION 33. From among the deputy clerks under the classified civil service the clerk of the municipal court shall designate a chief deputy clerk who shall receive a salary of one thousand five hundred dollars per annum. The other deputy clerks shall receive a salary of one thousand two hundred dollars per annum. All of said salaries shall be paid out of the treasury of the city of Cleveland in monthly installments. If desired by the court the clerk shall designate one deputy to each court room, who shall perform such duties as may be required by the court.

Chief deputy
clerk.

SECTION 34. A bailiff and deputy bailiffs, shall be designated as hereinafter provided for in this act. They shall perform for the municipal court services similar to those usually performed by the sheriff for courts of common pleas and by the constable for courts of justices of the peace. In actions where the municipal court has concurrent jurisdiction with a justice of the peace the laws governing the constable in the taking, holding or disposing of property, shall so far as applicable, govern the bailiff, and in all other actions the laws governing the sheriff in the taking, holding or disposing of property, shall so far as applicable, govern the bailiff. The bailiff shall receive a salary of two thousand four hundred dollars per annum, and the deputy bailiffs shall each receive a salary of one thousand two hundred dollars per annum, to be paid out of the treasury of the city of Cleveland in monthly installments. Before entering upon his duties, the bailiff shall make and file in the office of the clerk of the city of Cleveland a bond in the amount of not more than twenty thousand dollars nor less than ten thousand dollars, with two or more sureties. The terms of said bond and the sufficiency of said sureties shall be subject to the approval of the council of the city of Cleveland. The said bond shall be given for the benefit of the city of Cleveland and of any persons who may suffer loss by reason of a default in any of the conditions of said bond. Each of the deputy bailiffs shall give a bond of not more than five thousand dollars, nor less than one thousand dollars, which shall be filed and approved in the same manner as the bond required of the bailiff, and be subject to the same conditions.

Bailiffs.

Bond of bailiff.

SECTION 35. The deputy clerks, bailiff and deputy bailiffs, of the municipal court shall be in the classified civil service of the city of Cleveland, subject to the provisions of the laws of the state applying to said classified service. On or before the first day of January, 1912, and from time to time thereafter, as the chief justice of the municipal court may demand, the civil service commission

Civil service
provision.

of the city of Cleveland shall certify to the chief justice of the municipal court a list of those eligible for the positions of the bailiff and deputy bailiff, and to the clerk on said date, and thereafter as he may demand, a list of those eligible for the position of deputy clerk. From such lists the said judges shall designate a bailiff and such number of deputy bailiffs as they may deem necessary to transact the business of the court, and the clerk shall designate a chief clerk and such number of deputies as the chief justice of said court may determine.

Police officers.

Every police officer of the city of Cleveland shall be ex-officio a deputy bailiff of the municipal court and shall perform from time to time such duties in respect to cases within the jurisdiction of said court as may be required of them by said court or any judge thereof.

Fees and costs.

SECTION 36. In actions wherein the said municipal court has jurisdiction concurrent with a court of a justice of the peace the fees and costs shall be the same and taxed in the same manner as is now, or may hereafter be, provided for actions heard and determined in a court of a justice of the peace. In other actions the fees and costs shall be the same, and taxed in the same manner, as is now, or may hereafter be, provided for actions heard and determined in the court of common pleas. In criminal cases all fees and costs shall be the same as now fixed in the police court of said city. The municipal court may by a rule of court provide all cases not covered by this act a standard of fees and costs.

Court room.

SECTION 37. The council of the city of Cleveland shall provide suitable accommodations for the municipal court and its officers including a private room for each judge and sufficient jury rooms. The council shall also provide for the use of the court complete sets of the reports of the supreme and inferior courts of Ohio and such other authorities as are deemed necessary, and shall provide for each court room the latest edition of the revised statutes of Ohio, and necessary supplies including telephone, stationery, furniture, heat and light.

Seal.

SECTION 38. The said municipal court shall have a seal which shall have engraved thereon the coat of arms of the state and shall be one and three-fourths inches in diameter and shall be surrounded by these words, "The Municipal Court of Cleveland, Ohio" and shall have no other words or device engraved thereon.

SECTION 39. The laws providing for probation officers and interpreters for police courts in cities shall be held to apply to the municipal court.

SECTION 40. The offices of judges of the police court of the city of Cleveland and of clerk of said police court

are hereby abolished but this section of the act shall not take effect until the first day of January 1912.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

This bill was presented to the governor May 11, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state May 24, 1910.

JOHN W. DEVANNEY,
Veto Clerk.
 255.

[Senate Bill No. 21.]

AN ACT

Providing for the collection of taxes upon premiums paid to unauthorized insurance companies.

Be it enacted by the General Assembly of the State of Ohio:

Section 664-1. SECTION 1. That all persons, companies, associations or corporations residing or doing business in this state that enter into any agreements with any insurance company, association, individual, firm, underwriter or Lloyd, not authorized to do business in this state, whereby said person, company, association or corporation shall enter into contracts of insurance covering risks within this state, with said unauthorized association, individual, firm, underwriter, or Lloyd, for which there is a premium charged or collected, the said person, company, association or corporation so insured shall, annually on the first day of July or within ten days thereafter return to the superintendent of insurance of this state, a statement under oath of all actual cost of indemnity and gross premiums paid or payable for the twelve months preceding on policies or contracts of insurance taken by the said person, company, association or corporation and shall at the same time pay to said superintendent of insurance a tax of five per centum of the actual cost of indemnity paid or payable to any such association, firm, or individual, or a tax of five per centum of the gross premiums paid or payable to any such insurance company, underwriter or Lloyd. All taxes collected under the provisions of this section by the superintendent of insurance shall be paid by him, upon the warrant of the state auditor, into the general revenue fund of the state.

Unauthorized
 insurance
 company pro-
 vision.

Tax of 5%.

Section 664-2. SECTION 2. Any person, company, association or corporation failing or refusing to make the report required in section one of this act and to furnish all the data and

of the city of Cleveland shall certify to the chief justice of the municipal court a list of those eligible for the positions of the bailiff and deputy bailiff, and to the clerk on said date, and thereafter as he may demand, a list of those eligible for the position of deputy clerk. From such lists the said judges shall designate a bailiff and such number of deputy bailiffs as they may deem necessary to transact the business of the court, and the clerk shall designate a chief clerk and such number of deputies as the chief justice of said court may determine.

Police officers.

Every police officer of the city of Cleveland shall be ex-officio a deputy bailiff of the municipal court and shall perform from time to time such duties in respect to cases within the jurisdiction of said court as may be required of them by said court or any judge thereof.

Fees and costs.

SECTION 36. In actions wherein the said municipal court has jurisdiction concurrent with a court of a justice of the peace the fees and costs shall be the same and taxed in the same manner as is now, or may hereafter be, provided for actions heard and determined in a court of a justice of the peace. In other actions the fees and costs shall be the same, and taxed in the same manner, as is now, or may hereafter be, provided for actions heard and determined in the court of common pleas. In criminal cases all fees and costs shall be the same as now fixed in the police court of said city. The municipal court may by a rule of court provide all cases not covered by this act a standard of fees and costs.

Court room.

SECTION 37. The council of the city of Cleveland shall provide suitable accommodations for the municipal court and its officers including a private room for each judge and sufficient jury rooms. The council shall also provide for the use of the court complete sets of the reports of the supreme and inferior courts of Ohio and such other authorities as are deemed necessary, and shall provide for each court room the latest edition of the revised statutes of Ohio, and necessary supplies including telephone, stationery, furniture, heat and light.

Seal.

SECTION 38. The said municipal court shall have a seal which shall have engraved thereon the coat of arms of the state and shall be one and three-fourths inches in diameter and shall be surrounded by these words, "The Municipal Court of Cleveland, Ohio" and shall have no other words or device engraved thereon.

SECTION 39. The laws providing for probation officers and interpreters for police courts in cities shall be held to apply to the municipal court.

SECTION 40. The offices of judges of the police court of the city of Cleveland and of clerk of said police court

are hereby abolished but this section of the act shall not take effect until the first day of January 1912.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

This bill was presented to the governor May 11, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state May 24, 1910.

JOHN W. DEVANNEY,
Veto Clerk.
 255.

[Senate Bill No. 21.]

AN ACT

Providing for the collection of taxes upon premiums paid to unauthorized insurance companies.

Be it enacted by the General Assembly of the State of Ohio:

Section 664-1.

SECTION 1. That all persons, companies, associations or corporations residing or doing business in this state that enter into any agreements with any insurance company, association, individual, firm, underwriter or Lloyd, not authorized to do business in this state, whereby said person, company, association or corporation shall enter into contracts of insurance covering risks within this state, with said unauthorized association, individual, firm, underwriter, or Lloyd, for which there is a premium charged or collected, the said person, company, association or corporation so insured shall, annually on the first day of July or within ten days thereafter return to the superintendent of insurance of this state, a statement under oath of all actual cost of indemnity and gross premiums paid or payable for the twelve months preceding on policies or contracts of insurance taken by the said person, company, association or corporation and shall at the same time pay to said superintendent of insurance a tax of five per centum of the actual cost of indemnity paid or payable to any such association, firm, or individual, or a tax of five per centum of the gross premiums paid or payable to any such insurance company, underwriter or Lloyd. All taxes collected under the provisions of this section by the superintendent of insurance shall be paid by him, upon the warrant of the state auditor, into the general revenue fund of the state.

Unauthorized
 insurance
 company pro-
 vision.

Tax of 5%.

Section 664-2.

SECTION 2. Any person, company, association or corporation failing or refusing to make the report required in section one of this act and to furnish all the data and

Penalty.

information that may be required by the superintendent of insurance to determine the amount due, shall be deemed guilty of a misdemeanor and upon conviction, be fined not less than one hundred dollars, nor more than five hundred dollars for each offense.

Section 664-3.

SECTION 3. No provision of this act shall be construed as extending to private citizens, firms or corporations, residents of this state, who seek to provide indemnity among themselves from fire loss or other casualty, by exchange of private contracts for protection only and not for profit. Nor shall any provision of this act be construed as extending to fraternal beneficiary associations or members thereof.

The sectional numbers on the margin hereof are designated as provided by law.
U. G. DENMAN,
Atty. Gen.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

This bill was presented to the governor May 11, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state May 24, 1910.

JOHN W. DEVANNEY,
Veto Clerk.
256

[House Bill No. 93.]

AN ACT

Providing for the relief of Louisa Nagel and Charles Swartzwood.

Louisa Nagel
relief.

WHEREAS, Louisa Nagel, an employe of the Ohio Soldiers' and Sailors' Home, located in Erie county, state of Ohio, while engaged in feeding a mangle in the laundry of said Ohio Soldiers' and Sailors' Home, her left hand was caught between the hot rollers of said mangle; and was thereby burned, crushed and injured, causing the four fingers of said hand to become permanently useless and disfigured, and,

WHEREAS, Said mangle was without any guard or protection against accident or injury to any employe operating the same (a guard being provided for same after Louisa Nagel received the injuries aforesaid), and,

WHEREAS, Said Louisa Nagel became unable to work for a long period of time on account of said injuries; therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there is hereby appropriated out of

any money to the credit of the general revenue fund in the state treasury, not otherwise appropriated, the sum of fifteen hundred dollars, for the aid and relief of said Louisa Nagel, said amount to be in full for all demands on account of said injury. The auditor of state is hereby directed to issue his warrant on the state treasurer in favor of said Louisa Nagel for said sum of fifteen hundred dollars.

SECTION 2. That there is hereby appropriated out of any money to the credit of the general revenue fund in the state treasury, not otherwise appropriated, the sum of three thousand dollars, for the aid and relief of Charles Swartzwood, of Barberton, Ohio, said amount to be in full for all demands on account of an injury received by him at the Ohio Soldiers' and Sailors' Orphans' Home at Xenia, Ohio, on or about July 4, 1899.

Swartzwood
relief.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives,
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

This bill was presented to the governor May 11, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state May 24, 1910.

JOHN W. DEVANNEY,
Veto Clerk.
257

[Senate Bill No. 213.]

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AN ACT

To supplement section 9118 of the General Code, by the enactment of sections 9118-1 and 9118-2 relating to the appropriation of property by electric interurban or street railroads.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 9118 of the General Code be supplemented by enacting sections 9118-1 and 9118-2 so as to read as follows:

Sec. 9118-1. Whenever it is deemed necessary by a majority of the directors of any such railway company to cross the streets, avenues, alleys, ways, or any part thereof, of any municipality, or any public highway outside of a municipality, whether the same be under the control

Crossings,
other than
steam railway.

Petition.

of public authorities or a private company, or a person or persons, the council of such municipality, or the public officers or authorities owning or having charge of such highways outside of municipalities, shall have power to agree with such company as to the manner and mode of such crossing and the compensation to be paid therefor; if the parties fail to agree, such company may file its petition in the common pleas court of the county in which the proposed crossing is situated, and in such cause if the crossing be within a municipality, such municipality, shall be defendant; if the crossing be outside a municipality, the public authorities owning or having charge of such highway, shall be defendants. Summons shall be served and the rule days and the rights of the defendant to plead shall be the same as in civil actions in such court. Such petition shall set forth the action of the company declaring the necessity for crossing the highway and the inability of the company to agree with the council or other public officers or authorities owning or having charge of said highway; and the court of common pleas thereupon shall have jurisdiction of the parties and of the subject matter of the petition and may proceed to examine the matter offered by evidence, by reference to a master commissioner or otherwise, and upon the final hearing of said cause the court shall enter its decree fixing the manner and mode of such crossing and the compensation, if any, to be paid therefor by the company, and upon compliance with the terms of said decree the company shall have the right to construct and maintain said crossing in accordance with the order in said cause.

Appropriation
of real estate.

Sec. 9118-2. Where the tracks of any such road extend into or through any municipality and it is deemed necessary by such company to enter upon and use any private property within such municipality for the construction and maintenance of either passenger stations or freight depots to be used in the operation of such road, such company shall have the right to appropriate private property within municipalities for such purposes.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

This bill was presented to the governor May 11, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state May 24, 1910.

JOHN W. DEVANNEY,
Veto Clerk.
258

[Senate Bill No. 141.]

AN ACT

To amend section 8883 of the General Code, relating to the apportionment of expense incurred in abolishing grade crossings in municipal corporations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 8883 of the General Code be amended to read as follows:

Sec. 8883. The cost of constructing the improvement authorized, including the making of ways, crossings or viaducts, above or below the railroad tracks, and the raising or lowering of the grades of the railroad tracks and side tracks for such distance as may be required by such municipality and made necessary by such improvement, together with the cost of land or property purchased or appropriated, and damages to owners of abutting property, or other property, shall be borne thirty-five per cent. by the municipality and sixty-five per cent. by such railroad company or companies. The municipality shall have a right of action against any such railroad company for the recovery of the sixty-five per cent. and such costs payable by it, with interest from the time they become due. Such municipality and railroad company may agree as to what part of the work shall be done by the railroad company, and also fix the amount to be allowed or credited to the company for doing the work. Such railroad company shall be entitled to deduct from its sixty-five per cent. of the cost of the improvement the expense incurred by it in the change of its grade required by the municipality or made necessary by it under such specifications, but only in case the amount of expense has been agreed upon in writing between the municipality and the railroad company. If the amount of work done by the company, or made necessary by reason of such change of grade on lowering or raising its tracks, exceeds sixty-five per cent. of the cost of the improvement, then it shall have the right to recover the amount with interest in excess of sixty-five per cent. of the expenses, in an action at law against the municipality.

Apportionment specified.

Written agreement.

SECTION 2. That original section 8883 of the General Code be and the same is hereby repealed.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed May 10, 1910.

This bill was presented to the governor May 11, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state May 24, 1910.

JOHN W. DEVANNEY,

Veto Clerk.

AN ACT

To amend section 2107 of the General Code, relative to age of admission of girls to Girls' Industrial Home.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2107 of the General Code be amended to read as follows:

Age limits:
Girls over ten
and under sixteen
years.

Sec. 2107. When a resident citizen files with the probate judge of his county his affidavit, charging that a girl above the age of ten years and under the age of sixteen years, who resides in such county, has committed an offense, punishable by fine or imprisonment, other than imprisonment for life, or that she is leading a vicious or criminal life, the judge shall fix a time not more than five days from the filing of the affidavit for hearing the complaint, and issue a warrant to the sheriff of the county, or some other suitable person, commanding him to bring such girl before such judge at his office at the time fixed for hearing. At the same time he also shall issue an order in writing, addressed to the father of the girl, if living and a resident of the county, and, if not living or so resident, then to her mother, if living or so resident, or if there is no father or mother so resident, then to her guardian if so resident, and, if not, then to the person with whom the girl resides, requiring such father, mother, guardian or other person to appear before him at the hearing. The judge may continue the proceeding from day to day, and issue necessary subpoenas for witnesses.

SECTION 2. That said original section 2107 of the General Code be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

This bill was presented to the governor May 11, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state May 24, 1910.

JOHN W. DEVANNEY,
Veto Clerk.
260

[House Bill No. 278.]

AN ACT

To supplement section 1653 of the General Code, by adding section 1653-1, to prohibit the commitment of minors over sixteen years old to the Girls' Industrial Home.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1653 of the General Code be supplemented as follows:

Sec. 1653-1. That the provisions of section 1652 shall not apply to the Girls' Industrial Home so far as the same allow the commitment of a child under ten years or over sixteen years of age to such institution, in no case shall a child found to be a dependent or neglected child be committed to such institution; nor shall any child under ten years or over sixteen years of age, be committed to the Girls' Industrial Home, except as provided in section 2111 of the General Code.

Age limits.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

This bill was presented to the governor May 11, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state May 24, 1910.

JOHN W. DEVANNEY,
Veto Clerk.
261

[House Bill No. 58.]

AN ACT

To amend sections 2958 and 2959 of the General Code, relative to furnishing memorial tablets for the graves of deceased soldiers, etc.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2958 and 2959 of the General Code be amended to read as follows:

Sec. 2958. That the board of county commissioners in the several counties of this state shall, upon the petition of any five reputable freeholders of any township or municipality in their county, procure for, and furnish to said petitioners, a suitable and appropriate, durable marker for the grave of each and every soldier, sailor or marine, who served with honor in the military or naval

Markers for
soldiers, sail-
ors and ma-
rines.

forces of the United States, including those who served in the war of the American Revolution, buried in the limits of any such township or municipality. The name of such soldier, sailor, or marine, also the company, regiment or other command in which he served, shall be inscribed upon said marker. Such marker shall be placed on the grave of each such soldier, sailor, or marine, by said petitioners for the purpose of permanently marking and designating said grave for memorial purposes, and said board of county commissioners shall provide for the payment of the necessary expense of placing and setting said markers.

Petition; what
to specify.

Sec. 2959. That the petitioners shall state in said petition the names of soldiers buried and the number of such graves in their said township or municipality at the time of petitioning as well as describe the form and character of the marker, which they may desire to have placed at such graves.

SECTION 2. That said original sections 2958 and 2959 of the General Code be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

This bill was presented to the governor May 11, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state May 24, 1910.

JOHN W. DEVANNEY,
Veto Clerk.
262

[House Bill No. 74.]

AN ACT

To amend section 4393 of the General Code relating to the organization of fire departments by council.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4393 of the General Code be amended so as to read as follows:

Sec. 4393. The council may establish all necessary regulations to guard against the occurrence of fires, protect the property and lives of the citizens against damages and accidents resulting therefrom and for such purpose may establish and maintain a fire department, provide for the establishment and organization of fire engine and hose companies, establish the hours of labor of the members of its fire department, but after the first day of January, nineteen hundred and eleven, council shall not require any

Fire department
regulations.

fireman to be on duty continuously more than six days in every seven, and provide such by-laws and regulations for their government as is deemed necessary and proper.

SECTION 2. That said original section 4393 be and the same is hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

This bill was presented to the governor May 11, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state May 24, 1910.

JOHN W. DEVANNEY,
Veto Clerk.
263

[House Bill No. 113.]

AN ACT

Authorizing compensation to be paid to appraisers, commissioners and arbitrators in appraisement cases, in addition to the amount fixed by law.

Be it enacted by the General Assembly of the State of Ohio:

Section 3006-1.

SECTION 1. That in any cause, matter or proceeding arising in any court of record in this state where appraisers, commissioners or arbitrators are appointed by such court to make or procure to be made an appraisement or valuation of any property, real or personal, such appraisers, commissioners or arbitrators shall receive on application to such court, such compensation as the court may deem reasonable and proper in addition to the amount specified by law and such compensation shall be taxed in the costs of such cause, matter or proceeding in the same manner as other costs are now taxed.

Compensation
of appraisers,
arbitrators,
etc.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

This bill was presented to the governor May 11, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state May 24, 1910.

The sectional
numbers on
the margin
hereof are des-
ignated as pro-
vided by law.
U. G. DENMAN,
Atty. Gen.

JOHN W. DEVANNEY,
Veto Clerk.
264

[House Bill No. 517.]

AN ACT

To enable minors between the ages of fifteen and twenty-one years to contract for life insurance.

Be it enacted by the General Assembly of the State of Ohio:

Section 9392-1.

Minor's contract for life insurance.

SECTION 1. In respect to insurance heretofore or hereafter issued upon the life of any person between the ages of fifteen and twenty-one years, for the benefit of such minor, or for the benefit of the father, mother, husband, wife, child, brother or sister of such minor, the insured shall not, by reason only of such minority, be incompetent to contract for such insurance, or for the surrender of such insurance, or to give a valid discharge for any benefit accruing, or for money payable under the contract.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

The sectional numbers on the margin hereof are designated as provided by law.
U. G. DENMAN,
Atty. Gen.

This bill was presented to the governor May 11, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state May 24, 1910.

JOHN W. DEVANNEY,
Veto Clerk.
265

[House Bill No. 400.]

AN ACT

To amend sections 274, 275, 276, 277, 279, 281, 284 and 286 of the General Code, relative to bureau of inspection and supervision of public offices.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 274, 275, 276, 277, 279, 281, 284 and 286 of the General Code, be amended so as to read as follows:

Bureau of inspection.

Sec. 274. There shall be a bureau of inspection and supervision of public offices in the department of the auditor of state which shall have power as hereinafter provided in sections two hundred seventy-five to two hundred eighty-nine inclusive, to inspect and supervise the accounts and reports of all state offices including every state educational, benevolent, penal and reformatory institution, public institution and the offices of each taxing dis-

trict, or public institution in the state of Ohio. By virtue of his office the auditor of state shall be chief inspector and supervisor of public offices, and as such appoint not exceeding three deputy inspectors and supervisors, and a clerk. No more than two deputy inspectors and supervisors shall belong to the same political party.

Sec. 275. The clerk shall receive an annual salary of not more than fifteen hundred dollars. All necessary traveling and hotel expenses of the deputy inspectors and supervisors shall be paid from the state treasury.

Traveling ex-
penses.

Sec. 276. The chief inspector and supervisor shall appoint such assistants as he deems necessary, who shall be known as state examiners, and such other assistants as he deems necessary, who shall be known as assistant state examiners. State examiners and assistant state examiners shall receive the following compensation for each day necessarily employed by them in the discharge of such duties as may be assigned to them each state examiner assigned to examine county or city offices or institutions, ten dollars; each state examiner assigned to examine offices or institutions of other taxing districts, eight dollars; each assistant state examiner, not more than five dollars. In addition thereto, each state examiner and assistant state examiner shall be allowed mileage at the rate of two cents per mile, for distance actually traveled on official business under orders of the chief inspector and supervisor.

Compensation
of examin-
ers.

Sec. 277. The auditor of state, as chief inspector and supervisor, shall prescribe and require the installation of a system of accounting and reporting for the public offices, named in section two hundred seventy-four. Such system shall be uniform in its application to offices of the same grade and accounts of the same class, and shall prescribe the form of receipt, vouchers and documents, required to separate and verify each transaction, and forms of reports and statements required for the administration of such offices or for the information of the public.

Uniform sys-
tem.

Sec. 279. A separate account shall be kept of each appropriation made or fund created by each taxing body, or legislative body, showing date and manner of payment therefrom, name of person or organization paid, and for what purpose paid. Separate accounts shall be kept for each institution, department, improvement, or public service industry, under the supervision or control of the state, or of a taxing body.

Sec. 281. A financial report of each public institution, state educational, penal, benevolent and reformatory institution and state office and taxing district for each fiscal year shall be made in accordance with forms prescribed by the chief inspector and supervisor. The report shall be prepared, certified and filed with the bureau within thirty days after the close of the fiscal year by the auditing department of the taxing district or public institution, and contain the following:—amount of collections and receipts.

Financial re-
port.

and accounts due from each source; amount of expenditures for each purpose; income of each public service industry owned or operated by a municipality, and the cost of such ownership or operation; amount of public debt of each taxing district, the purpose for which each item of such debt was created, the provision made for the payment thereof, and a classified statement of all receipts and expenditures by any state office, state educational, penal, benevolent and reformatory institutions and all public institutions.

Annual and
biennial ex-
aminations.

Sec. 284. The chief inspector and supervisor, a deputy inspector and supervisor or a state examiner shall examine the condition of each public office, such examination of township, village, and school district offices to be made at least once in every two years, and all other examinations to be made at least once a year. Offices of justices of the peace, elected in cities, villages or townships, shall be examined at least once every two years. On the examination, inquiry shall be made into the methods and accuracy of the accounts and reports of the office, whether the laws, ordinances and orders of the taxing district have been observed, and whether the requirements of the bureau of inspection and supervision have been complied with.

Triplicate re-
port of exam-
ination.

Sec. 286. A report of the examination shall be made in triplicate, one copy thereof filed in the office of the auditor of state, and one copy filed in the auditing department of the taxing district reported upon, and one in the office of the legal officer of the taxing district or in the case of a village having no solicitor or legal counsel, with the mayor thereof. If the report discloses malfeasance, misfeasance, or neglect of duty on the part of an officer or an employe, upon the receipt of such copy of said report it shall be the duty of the proper legal officer and he is hereby authorized and required, to institute in the proper court within ninety days from the receipt thereof civil actions in behalf of the state or the political divisions thereof to which the right of action has accrued, and promptly prosecute the same to final determination to recover any fees or public funds misappropriated or to otherwise determine the rights of the parties in the premises. He shall notify the attorney general of the filing of such actions, keep him fully advised of the progress thereof, and before or after such civil action is commenced it shall not be lawful for the county commissioners or any board or officer to make a settlement or compromise of any claim, such civil action or controversy arising out of such malfeasance, misfeasance or neglect of duty so reported upon, nor for any court to enter any compromise or settlement of such civil action, without first giving notice thereof to the attorney general and allowing him to be heard in the matter. Upon the refusal or neglect of the proper legal officer to take action as herein provided, the auditor of state shall direct the attorney general to institute and

Court action
for recovery of
misappropri-
ated funds.

prosecute the action to a final determination of the rights of the parties in the premises, and he is hereby authorized and required to do the same.

SECTION 2. That said original sections 274, 275, 276, 277, 279, 281, 284 and 286 of the General Code be and the same are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

This bill was presented to the governor May 11, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state May 24, 1910.

JOHN W. DEVANNEY,
Veto Clerk.
266

[House Bill No. 475.]

AN ACT

To establish a criminal court in the city of Lorain, Lorain county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. There is hereby established in the city of Lorain, Lorain county, Ohio, a criminal court held by a judge, which court shall be styled the criminal court and be a court of record, and shall have jurisdiction of any offense under any ordinance of the said city of Lorain and of any misdemeanor committed within the limits of said city, to hear and finally determine the same and impose the prescribed penalty; but cases in which the accused is entitled to a trial by a jury, shall be so tried unless a jury is waived in writing by the accused.

Lorain criminal court; establishment, jurisdiction, etc.

SECTION 2. In felonies committed within the county such court shall have the power to hear the case and discharge, recognize or commit, and if upon such hearing the court is of the opinion that the offense is only a misdemeanor and that such court has jurisdiction of such offense, a plea of guilty of such offense may be received and sentence and judgment pronounced.

Powers.

SECTION 3. Such court shall have power to issue

process, preserve order and punish contempts, summon and impanel jurors, grant new trials and motions in arrest of judgment, suspend execution of sentence upon notice of intention to apply for leave to file a petition in error, and such other powers as may be necessary for the exercise of the jurisdiction herein conferred, and the enforcement of the judgments and orders of such court.

State and city cases.

SECTION 4. Prosecution for offenses against the laws of the state shall be brought and conducted in the name of the state and prosecutions for violations of city ordinances shall be brought and conducted in the name of the city of Lorain and in any case a new trial may be granted and for the same cause as in like cases in the court of common pleas.

Qualifications of jurors.

SECTION 5. Such court shall have power to compel the attendance of witnesses, jurors and parties. Jurors shall have the qualifications and be subject to the challenges of those in court of common pleas in like cases. They shall be selected, summoned and impaneled in accordance with an ordinance of the city council; or if no such ordinance is in force, in accordance with a rule of the court and they shall receive the same fees as are allowed jurors and witnesses in courts of justice of the peace. Other fees shall be the same as before the justice of the peace in like cases.

Monthly terms.

SECTION 6. The criminal court shall always be open for the transaction of business, but may adjourn from day to day or from time to time and shall be considered as holding monthly terms, each commencing on the first Monday of the month.

Judge: qualifications and election of.

SECTION 7. The judge shall adopt such rules of practice and procedure as will give each party a proper statement of any charge against him and a full opportunity of being heard.

SECTION 8. Such judge shall be an elector of the city and an attorney and counsellor at law duly admitted and licensed to practice law in this state. He shall be elected by the electors of said city of Lorain at the regular fall election in 1911 for a term of two years commencing on the first Monday of January next after his election. His successors shall be elected at the regular fall election each two years thereafter.

Vacancy; how filled.

SECTION 9. Any vacancy caused in said office by reason of death, removal, resignation or otherwise, shall be filled by the governor until a successor is elected and qualified, and such successor shall be elected for the unexpired term at the first municipal election that occurs more than thirty days after the vacancy shall have happened.

SECTION 10. The bond and compensation of such judge shall be fixed by the council.

SECTION 11. The city solicitor of the city of Lorain shall be the prosecuting attorney of such court.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

This bill was presented to the governor May 11, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state May 24, 1910.

JOHN W. DEVANNEY,
Veto Clerk.
267

[House Bill No. 481.]

AN ACT

To provide for the construction and maintenance of township memorial buildings to commemorate the services of the soldiers, sailors, marines and pioneers of the several townships of the state.

Be it enacted by the General Assembly of the State of Ohio:

Section 3410-1

SECTION 1. That whenever the trustees of any township in any county by resolution passed by a majority of such trustees shall certify to the resident common pleas judge of the county in which such township is located, or if there be no resident common pleas judge, then the common pleas judge of the subdivision in which said township is located having had the longest tenure in office, or if there be none such, then to the oldest common pleas judge of the subdivision in which such township is located, that in their opinion it is desirable to erect, furnish and maintain a memorial building to commemorate the services of the soldiers, sailors, marines and pioneers of said township, and to expend for such purpose an amount to be named by them not exceeding two hundred and fifty thousand (\$250,000) dollars in any one instance, the common pleas judge to whom such certification is made, shall appoint a board of trustees composed of seven citizens of said township, one of whom shall be appointed for the term of one year, one for two years, one for three years, one for four years, one for five years, one for six years and one for seven years, and each and every year thereafter the resident judge of the court of common pleas of the county in which said township is located, if there is, and

Township memorial buildings.

Maximum expenditure.

Trustees: appointment, terms of office, etc.

shall be hereafter when an appointment is to be made a resident judge, and if not, then by any common pleas judge of the subdivision in which said township is located having power to make original appointments under this act shall appoint a successor for a term of seven years, to the trustee whose term of office then expires; but not more than four of the members of said board of trustees shall belong to the same political party; said board to be known as the "soldiers' and sailors' memorial association of township, county, Ohio."

Section 3410-2 **SECTION 2.** Said trustees shall receive no compensation but shall be entitled to be repaid for their necessary expenses out of the fund hereinafter provided. All vacancies in the office of trustee occurring by death, resignation, removal from said township or otherwise shall be filled, in the same manner as the original appointment, for the then unexpired term or terms. Said trustees shall elect from their own number a chairman, secretary and treasurer and shall hold regular meetings at such times and places as they may agree upon and special meeting under such regulations as they may prescribe, and cause to be kept a full record of their proceedings.

Vacancies.

Section 3410-3 **SECTION 3.** Immediately upon the appointment and organization of said board of trustees, they shall certify to the deputy supervisors of election of the county in which such township is located and in which said board is organized, the fact of their appointment and organization, and direct the submission to popular vote at the next regular township election of the question of the issuing of bonds in the amount specified by the township trustees in their original resolution, and of the erection and maintenance of the memorial building contemplated. The deputy supervisors of election of said county shall submit said question to popular vote at the next regular township election with such forms of ballot as said deputy supervisors may prescribe and shall certify the result of said election to the board of trustees. If a majority of the votes cast upon said question is in favor of said issuance of said bonds and the construction and maintenance of said memorial building, said board of trustees shall proceed as hereinafter authorized.

Township election.

Section 3410-4 **SECTION 4.** Said board of trustees shall request the trustees of the township to issue, and said trustees shall thereupon issue the bonds of the township in such denominations for such a period, and bearing such rate of interest as the board of trustees shall specify, not exceeding the total sum determined upon in the original resolution of the township trustees of said township. Said bonds shall then be delivered to said board of trustees of said memorial association and shall be sold by it for not less than par, with accrued interest to the highest bidder after advertisement in two or more newspapers published or of

Bonds.

general circulation in said township for a period of thirty days.

Section 3410-5

SECTION 5. The fund arising from the sale of said bonds shall be placed in the custody of the treasurer of said board of trustees of said memorial association and said treasurer shall give a bond in a sum to be fixed by the common pleas judge as provided in section 1 of this act.

Said fund shall be paid out upon the order of the board of trustees, certified by its chairman and secretary. The township trustees of said county shall annually levy such amount of taxes in addition to all other levies authorized by law, as will pay the interest on said bonds and create a sinking fund sufficient to redeem the same at maturity; and in addition thereto, the said township trustees shall provide out of the general fund of said township for the payment of a janitor to take charge of said building under the direction of said trustees of said memorial building. If upon completion of the memorial building herein authorized an unexpended balance of the fund is remaining in the custody of the treasurer of said board, such balance shall be kept for the purpose of making the necessary, ordinary repairs and improvements on said building. Provided further, that if, after the bonds and interest provided for in section 4 are fully paid or if after the bonds heretofore issued under authority of any law or special act of the state legislature for the erection of any township soldiers' and sailors' memorial building, including interest are fully paid, there should remain any balance in the hands of the county treasurer, by reason of the proceeds of said tax, exceeding the amount required to pay said bonds and interest, then such surplus or balance shall be paid to the treasurer of the board of trustees of said memorial association upon an order drawn and signed by said board of trustees directing said county treasurer to pay over such balance, and said funds so paid over shall be used by said board of trustees for the purpose of making the necessary, ordinary repairs and improvements on said building.

Disbursements.

"Surplus"
provision.

Section 3410-6

SECTION 6. The board of trustees shall have authority to appoint an assistant secretary and employ such superintendents, architects, clerks, laborers and other employes as they may deem necessary and to fix their compensation; and any of such persons may be removed by a majority of such trustees at any time. Such trustees, shall before making any expenditure of the fund herein authorized, give bond to the state of Ohio in such amount as may be fixed by the township trustees and to the approval of said township trustees. After said township memorial building is fully completed, no bond need be given by the trustees of said board unless required by the common pleas judge then having the appointing power under section 1

Employes.

- of this act, except the treasurer who shall give bond in a sum to be fixed by said common pleas judge.
- Section 3410-7** **SECTION 7.** The board of trustees shall have power to acquire by purchase, appropriation or otherwise, any private or public lands which they might deem necessary for their use, and in case of condemnation, the proceedings shall be governed by the provision of law regulating the appropriation of private property by municipal corporations.
- Appropriation of property.** Said trustees of said township soldiers' and sailors' memorial association are hereby authorized and empowered to take and to receive donation, legacies or devises in land or money or other property for the general purpose of aiding the objects and purposes of said memorial building and the endowment thereof. In all cases, however, no matter how the property may be acquired, the title to the same shall be taken in the name of said trustees and their successors in office forever, and shall be free from taxation by state, county or municipality.
- Section 3410-8** **SECTION 8.** The board of trustees shall have power to prepare or cause to be prepared plans and specifications and to make contracts for the construction of a memorial building for the purposes herein specified and within the amount authorized. In making such contract, the board of trustees shall be governed as follows:
- Plans and specifications.** **First:** Contracts for construction shall be based upon detailed plans, specifications, forms of bids and estimates of cost, to be adopted by the board of trustees.
- Construction.** **Second:** The contracts shall be made in writing upon concurrence of a majority of the board of trustees, signed by the president and secretary of the board and by the contractor, after an advertisement in two newspapers published or of general circulation in the township for a period of thirty days.
- Lowest bidder.** **Third:** No contract shall be let except to the lowest and best bidder who shall give a preliminary and a final bond conditioned respectively, that he will enter into the contract if awarded to him and that he will faithfully perform the work and furnish the material agreed upon.
- Changes in contract.** **Fourth:** When it becomes necessary in the opinion of the board of trustees in the prosecution of said work to make alterations or modifications in any contract, such alterations or modifications shall only be made by order of the board and such order shall be of no effect until the price to be paid for the work or materials under such altered or modified contract has been agreed upon in writing and signed by the contractor and the chairman and the secretary of said board.
- Section 3410-9** **Fifth:** No contract or alteration or modification thereof shall be valid or binding unless made in the manner herein specified.
- SECTION 9.** No member of the board of trustees or any officer or employe thereof shall be interested in any

contract entered into by said board; nor shall any trustee or officer or employe of the board be individually liable to any contractor upon any contract made in pursuance of this act, nor to any person on any claims occasioned by any act or default of a contractor or any one employed by such contractor.

Any member of said board of trustees may be removed by the common pleas judge having the appointing power provided for in section 1 of this act for misconduct in office, removal from the township or neglect of duty.

Removal of trustee.

Section 3410-10

SECTION 10. On the first Monday of April each and every year after the appointment of the board of trustees of the memorial association provided for in this act, the said board of trustees shall make to the common pleas judge having the appointing power provided for by section 1 of this act, a true itemized statement of all money received by them from whatsoever source, or rental or revenue from said memorial building, and of all money expended for and on account of said memorial building and the purpose for which such expenditure was made.

Itemized statement.

Section 3410-11

SECTION 11. Said memorial building shall contain an assembly room for the use of the Grand Army of the Republic free of rent; quarters shall also be assigned in said building to any other organization of soldiers or sailors of said township, free of rent; provided, however, if the Grand Army of the Republic ceases to exist and there be an organization of survivors of the soldiers and sailors of the republic or of their sons, or successors, the trustees of said memorial building may grant such association the use of said assembly room or if there be no such organization then the use of such assembly room shall be given, rented or leased, as the board of trustees shall direct.

G. A. R. room.

It shall also contain a memorial room or rooms for the preservation of flags, documents, records or relics of the several wars and of the early settlement of Ohio. The said board of trustees of said soldiers' and sailors' memorial association and their successors in office shall have the full charge, care and management of said memorial building and may rent, lease or permit the occupancy and use of the memorial building, or any part thereof, upon such terms and conditions as they may deem proper.

Memorial room.

Section 3410-12

SECTION 12. The said township trustees shall, whenever it is necessary, levy a tax in addition to all other levies authorized by law sufficient to care for said building, or any other township soldiers' and sailors' memorial building heretofore erected under authority of any law or special act of legislature, keep the same in repair and carry out the purposes for which the same is constructed.

Tax levy.

Section 3410-13

SECTION 13. That from and after the passage of this act, the board of trustees and their successors in office of any township soldiers' and sailors' memorial building association heretofore appointed under authority of any law

Title, ownership, etc.

or special act of the state legislature, shall be governed by the provisions of this act, shall continue to constitute the board of trustees of said township memorial building association and shall be vested with the title, ownership and control of said building and other property now held by and belonging to said association and thereafter as the respective terms of office of said trustees expire their successors shall be appointed in the manner provided in section 1 of this act.

Repeals.

SECTION 14.* That an act entitled "An act authorizing the trustees of Nework township, Licking county, Ohio, to levy a tax for the purpose of erecting a soldiers' and sailors' memorial building," passed April 9, 1891, also an act entitled "An act authorizing the trustees of Madison township, Richland county, Ohio, to levy a tax for the purpose of erecting a soldiers' and sailors' memorial library building," passed March 12, 1887, as amended March 14, 1889, as amended February 27, 1891, and as amended May 14, 1894, and all other special acts or laws heretofore passed authorizing and pertaining to the erection and maintenance of township soldiers' and sailors' memorial buildings be and the same are hereby repealed.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed May 10, 1910.

The sectional numbers on the margin hereof are designated as provided by law.
U. G. DENMAN,
Atty. Gen.

This bill was presented to the governor May 11, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state May 24, 1910.

JOHN W. DEVANNEY,

Veto Clerk.

268

[House Bill No. 395.]

AN ACT

To authorize the payment of five hundred and fifty-seven dollars and sixty-seven cents to Guy S. North.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the auditor of Huron county be and he is hereby authorized and directed to draw a warrant on the treasurer of said county in favor of Guy S. North or order, for the sum of five hundred and fifty-seven and

Guy S. North
payment of
\$567.67-100.

sixty-seven hundredths dollars (\$557.67) with interest thereon from July 1, 1905, and to charge the same to the road fund of said county; and, if necessary to meet said payment the board of county commissioners of Huron county, Ohio, is hereby authorized and directed to make an additional levy for said purpose.

SECTION 2. Upon the warrant of the auditor of Huron county, Ohio, the treasurer of said county is hereby authorized and directed to pay said warrant to the order of Guy S. North out of any moneys in said road fund not otherwise appropriated.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

This bill was presented to the governor May 11, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state May 24, 1910.

JOHN W. DEVANNEY,
Veto Clerk.
269

[House Bill No. 383.]

AN ACT

To amend section 230 of the General Code, relating to fees for registrars.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 201 and 230 of the General Code be amended to read as follows:

Sec. 201. In villages the village clerk and in townships the township clerk shall be the local registrar, and in cities the city board of health shall appoint a local registrar of vital statistics, and each shall be subject to the rules and regulations of the state registrar, the provisions of this chapter and to the penalties provided by law. With the approval of the state registrar, each local registrar, shall appoint a deputy who, in case of absence, illness or disability of the local registrar, shall act in his stead.

Local registrar designated.

Acceptance of such appointment shall be in writing and such deputy shall be subject to the rules, regulations and provisions governing local registrars.

Compensation.

Annual certificate of state registrar.

Sec. 230. Each local registrar shall be entitled to be paid the sum of twenty-five cents for each birth and each death certificate properly and completely made out and registered with him, and correctly copied, and duly returned by him to the state registrar; provided, in cities, in which the local registrar receives a fixed salary, in lieu of fees, he shall be entitled to fees based upon a sliding scale, according to the population at the last federal census, and said local registrar shall be entitled to be paid the following fee for each birth and death certificate properly and completely made out and registered with him, and correctly copied and duly returned by him to the state registrar. In cities over two hundred and fifty thousand, five cents; in cities over one hundred and twenty-five thousand and less than two hundred and fifty thousand, fifteen cents; in cities over fifty thousand and less than one hundred and twenty-five thousand, twenty cents; in cities less than fifty thousand, twenty-five cents. All amounts payable to registrars under provisions of this section shall be paid by the treasurer of the county in which the registration districts are located, upon certification by the state registrar. And the state registrar shall annually certify to the treasurers of the several counties the number of births and deaths registered, with the name of the local registrars, and the amounts due each at the rates fixed herein.

SECTION 2. That said original sections 201 and 230 of the General Code be and the same are hereby repealed.

SECTION 3. This act shall take effect on June 15, 1910.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Passed May 10, 1910.

This bill was presented to the governor May 11, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state May 24, 1910.

JOHN W. DEVANNEY,

Veto Clerk.

270

AN ACT

To create the office of state inspector of plumbing, defining the duties of the office, fixing the compensation of the incumbent thereof, and fixing a penalty for the violation of any of the provisions of this act.

Be it enacted by the General Assembly of the State of Ohio:

- Section 1261-1** SECTION 1. There shall be, and is hereby, established and created in this state the office of state inspector of plumbing, under the direction and supervision of state board of health.
- Section 1261-2** SECTION 2. It shall be the duty of the state board of health, within ninety days after the passage and approval of this act, to appoint an elector of this state to fill the office of state inspector of plumbing, and to hold office until such a time as his successor may be appointed and qualified. The person so appointed must be a plumber with at least ten years' experience. The state board of health shall have the power to make and enforce rules and regulations governing plumbing to carry out the provisions of this act.
- Section 1261-3** SECTION 3. It shall be the duty of said inspector of plumbing, as often as instructed by the state board of health, to inspect any and all public or private institutions, sanitariums, hospitals, schools, prisons, factories, workshops, or places where men, women or children are or might be employed, and to condemn any and all unsanitary or defective plumbing that may be found in connection therewith, and to order such changes in the method of construction of the drainage and ventilation, as well as the arrangement of the plumbing appliances, as may be necessary to insure the safety of the public health.
- Such inspector shall not exercise any authority in municipalities or other political subdivisions wherein ordinances or resolutions have been adopted by the proper authorities regulating plumbing or prescribing the character thereof.
- Section 1261-4** SECTION 4. He shall hold himself in readiness at any and all times to go to any part of the state if so directed by the state board of health, for the purpose of making a sanitary inspection of any building or other place that they have reason to believe is in such a condition as to be a menace to the public health.
- Section 1261-5** SECTION 5. When any building is found to be in a sanitary condition or when changes which are ordered in the plumbing, drainage or ventilation have been made, and after a thorough inspection on approval by said inspector of plumbing, he shall issue a certificate signed by himself and countersigned by the state board of health, which must be posted in a conspicuous place for the benefit of the public at large. Upon notification by said inspector, said certificate shall be revoked for any violation of this act.
- Section 1261-6** SECTION 6. For each inspection and certificate so is-

Office of state inspector of plumbing, created; appointment of state inspector, qualifications, etc.

Duties of inspector.

Inspector's certificate.

- Fee.** sued, except on inspections of state buildings or structures, he shall charge a fee of five dollars, such fee to be turned into the state treasury. If upon first inspection such work is found in sanitary condition, no charge is to be made for such inspection or certificate.
- Section 1261-7** **Bond.** **SECTION 7.** Within ten days after his appointment the said inspector shall give a bond, payable to the state of Ohio, for the faithful performance of his duties in the sum of five thousand dollars. Said bond, when approved by the attorney-general shall be deposited with the auditor of state.
- Section 1261-8** **SECTION 8.** The inspector so appointed shall not, during his term of office, be engaged or interested in the plumbing business or the sale of any plumbing supplies, nor shall he act as agent, directly or indirectly, for any person or persons so engaged.
- Section 1261-9** **Salary.** **SECTION 9.** He shall receive for his services a salary of eighteen hundred dollars per annum, payable monthly, and all necessary expenses.
- Section 1261-10** **Powers.** **SECTION 10.** He shall have the power between sunrise and sunset to enter any public building where he has good and sufficient reason to believe that the sanitary condition of such premises is such as to endanger the public health, for the purpose of making such inspection as may be necessary to ascertain the condition of the same.
- Section 1261-11** **SECTION 11.** He shall report promptly to the state board of health the condition of all premises inspected by him; also the number of inspections and changes ordered, as well as any other information with his office, that they may require.
- Section 1261-12** **Office rooms.** **SECTION 12.** He shall be provided with a suitable office in the city of Columbus, as well as with all necessary apparatus for making tests, and such stationery as the business of his office may require.
- Section 1261-13** **SECTION 13.** It shall be the duty of any owner, agent or manager, of any public building where an inspection is ordered by said inspector of plumbing to cause or have the entire system of drainage and ventilation repaired, as he may direct. After due notice to repair such work, it shall be the duty of said owner, agent or manager to notify said inspector of plumbing that such work is ready for his inspection. Failing to have work ready for inspection at specified time of such notice, he will be subject to such penalty as hereinafter provided.
- Section 1261-14** **Penalty.** **SECTION 14.** Any person or persons, owner, agent or manager refusing, failing or neglecting to comply with any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than ten nor more than one hundred dollars, or imprisoned for not less than ten nor more than ninety days or both; but no person shall be imprisoned under this section for the first offense, and the prosecution shall always be as and for a first offense, unless the af-

fidavit upon which the prosecution is instituted contains the allegation that the offense is a second or repeated offense.

Section 1261-15

SECTION 15. It shall be the duty of said inspector of plumbing upon receipt of the knowledge that any part of this act has been violated to go before any justice of the peace and cause the arrest and prosecution of all persons of whom he has reason to believe are guilty of such violation.

Prosecutions.

SECTION 16. All acts and parts of acts in conflict herewith are hereby repealed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

The sectional numbers on the margin hereof are designated as provided by law.
U. G. DENMAN,
Atty. Gen.

This bill was presented to the governor May 11, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state May 24, 1910.

JOHN W. DEVANNEY,
Veto Clerk.
271

[Senate Bill No. 172.]

AN ACT

Supplemental to section 7405 of the General Code and to authorize and empower county commissioners to acquire toll roads.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7405 of the General Code be supplemented as follows:

Sec. 7405-1. In any county in which is located any portion of toll road or toll turnpike in existence at the time of the passage of this act, the county commissioners thereof shall proceed to condemn or appropriate such road or turnpike for the purpose of converting it into a free public thoroughfare. Within six months after the passage of this act the county commissioners shall pass a resolution declaring such intent, defining the purposes of the appropriation, setting forth a pertinent description of the road and the estate or interest therein desired to be appropriated. Immediately upon the passage of such resolution declaring said intent, the prosecuting attorney shall make application to the court of common pleas or to a judge in vacation, to the probate court, or to the insolvency court of the county, in which the road sought to be taken is located, which application shall describe as correctly as possible the road to be appropriated, the interest or estate to be taken, the object proposed and the name of the owner of the road. Thereupon the same proceedings shall be had

Toll roads.

Appropriation application.

in the common pleas court, the probate court or the court of insolvency of said county which are provided for the appropriation of private property by municipal corporations.

Error.

Sec. 7405-2. The county commissioners or the owner or owners of any toll road or toll turnpike, the value of whose road or turnpike has been assessed as provided for in the preceding section shall have the right to prosecute error or appeal as in other civil actions.

Costs, how paid.

Sec. 7405-3. When the amount of compensation to be paid by such toll roads or toll turnpikes appropriated under the preceding sections shall have been ascertained, such compensation together with the costs and expenses of such proceedings as may have been had shall be paid by the county commissioners out of the road fund of said county, or out of a fund which shall be provided therefor by issuing of bonds of such county for the amount thus ascertained; and it shall be the duty of the county commissioners of such county to issue said bonds. Said bonds shall be payable at such times and shall bear interest at such rate not to exceed four per cent. per annum as said county commissioners shall determine.

Tax levy.

Sec. 7405-4. Such bonds shall be signed by the president of the board of county commissioners and attested by the clerk of said board and shall be secured by a pledge of the faith of such county and a tax which it shall be the duty of the board of county commissioners annually to levy upon the taxable property of said county and certify the same to the county auditor as to the amount necessary to pay the interest thereon and provide a sinking fund for the final redemption of said bonds. Said tax shall be in addition to the amount now authorized to be levied for county purposes. Said bonds shall be sold to the highest bidder by said board of county commissioners at not less than their par value after advertising the same for not less than four consecutive weeks on the same day of the week in some newspaper of general circulation in said county.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

This bill was presented to the governor May 11, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state May 24, 1910.

JOHN W. DEVANNEY,
Veto Clerk.
272

AN ACT

To create a tax commission, define its powers and duties, and to repeal sections 258, 5415 to 5431 inclusive, 5445 to 5542 inclusive and 5602 to 5617 inclusive of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

Section 5445

SECTION 1. A tax commission is hereby created, to be known as the tax commission of Ohio, to be composed of three commissioners, electors of the state, not more than two of whom at any time shall be of the same political party. On or before July first, 1910, the governor shall appoint such commissioners as follows: the term of one such appointee, who shall belong to the same political party as one of the other members appointed on such commission, if there be two appointees from the same political party, shall terminate on the second Monday of February, 1911; the term of the second such appointee shall terminate on the second Monday of February, 1912; the term of the third such appointee shall terminate on the second Monday of February, 1913. In February, 1911, and annually thereafter, in the month of February, there shall be appointed in the same manner, one commissioner for the term of three years, from the second Monday of February of such year. Each commissioner so appointed shall hold his office until a successor is appointed and qualified. Any vacancy on the commission shall be filled by appointment of the governor for the unexpired term. No appointee shall be qualified to act until after his appointment has been confirmed by the senate, unless appointed during a recess or adjournment of the senate.

"The Tax Commission of Ohio."

Appointment of commissioners; terms of office, etc.

Vacancy.

Section 5446

SECTION 2. The governor shall at any time, remove any commissioner for inefficiency, neglect of duty, or malfeasance in office.

Removal of commissioner.

Section 5447

SECTION 3. Each commissioner and each employee shall devote his entire time to his duties hereunder and shall not hold any position of trust or profit, engage in any occupation or business interfering with or inconsistent with his duties as such commissioner or employee, or serve on or under any committee of any political party.

Entire time to be devoted to duties of office.

Section 5448

SECTION 4. The commission shall be in continuous session and open for the transaction of business during all of the business hours of each and every day, excepting Sundays and legal holidays. All sessions shall be open to the public, and the sessions of the commission shall stand and be adjourned without further notice thereof on its records. All of the proceedings of the commission shall be shown on its record of proceedings, which shall be a public record, and all voting shall be by calling each member's name by the secretary, and each member's vote shall be recorded on the record of proceedings as cast.

Office hours.

Record of proceedings.

Section 5449

SECTION 5. Before entering upon the duties of his

- Oath.** office, each of said commissioners shall take and subscribe the constitutional oath of office, and shall swear or affirm that he holds no other office of profit or any position under any committee of a political party; which oath or affirmation shall be filed in the office of the governor.
- Section 5450** **Salary.** SECTION 6. Each of said commissioners shall receive an annual salary of five thousand dollars payable in the same manner as salaries of state officers are paid.
- Section 5451** **Organization.** SECTION 7. The commissioners appointed under this act shall within twenty days after their appointment and qualification meet at the state capitol and organize. A majority of such commission shall constitute a quorum to transact business and any vacancy shall not impair the right of the remaining commissioners to exercise all the powers of the commission so long as a majority remains. Any investigation, inquiry or hearing which this commission is authorized to hold or undertake may be held or undertaken by or before any one member of the commission. All investigations, inquiries, hearings and decisions of the commission, and every order made by a commissioner, when approved and confirmed by the commission and so shown on its record of proceedings shall be deemed to be the order of the commission.
- Section 5452** **Seal.** SECTION 8. The commission shall be known as the tax commission of Ohio and shall have an official seal with the words "The Tax Commission of Ohio" and such other design as the commission may prescribe engraved thereon, by which it shall authenticate its proceedings and of which the courts shall take judicial notice.
- Section 5453** **Office location.** SECTION 9. The commission shall keep its office in the city of Columbus, Ohio, and shall provide a suitable room or rooms, necessary office furniture, supplies, books, periodicals and maps. All necessary expenses shall be audited and paid as other expenses are audited and paid. The commission may hold sessions at any place within the state.
- Section 5454** **Employees; compensation, traveling expenses, etc.** SECTION 10. The commission is authorized to employ a secretary, examiners, experts, clerks, accountants, stenographers and other assistants. Such employments and compensation for the same shall be first approved by the governor. The commissioners, secretary, experts, clerks, accountants, stenographers and other assistants as may be employed, shall be entitled to receive from the state their actual and necessary expenses while traveling on the business of the commission. Such expenses to be itemized and sworn to by the person who incurred the expense and allowed by the commission.
- Section 5455** **Duty of attorney general.** SECTION 11. Upon the request of the commission, it shall be the duty of the attorney general, or, under his direction, the prosecuting attorney of the proper county, to aid in any investigation, hearing or trial had under the provisions of this act, and to institute and prosecute the necessary actions or proceedings for the enforcement of this act and for the punishment of all violations thereof.

- Section 5456.** SECTION 12. The commission shall adopt reasonable and proper rules and regulations to govern its proceedings and to regulate the mode and manner of all valuations of real or personal property, apportionments, investigations, inspections and hearings not otherwise specifically provided for. Rules and regulations.
- Section 5457.** SECTION 13. The commission may confer and meet with officers of other states and officers of the United States on any matter pertaining to their official duties. Conferences.
- Section 5458.** SECTION 14. To carry out the purposes of this act the commission, or any commissioner, or any person or persons employed by the commission for that purpose, shall, upon demand, have the right to inspect the books, accounts, records and memoranda of any public utility, company, corporation or association subject to the provisions of this act, and to examine under oath any officer, agent or employe of any such company, corporation, association or public utility. Any person, other than one of said commissioners, who shall make such demand, shall produce his authority to make such inspection. Inspection.
- Section 5459.** SECTION 15. The commission may require, by order or subpoena to be served on any such company, corporation, association or public utility in the same manner that a summons is served in a civil action in the court of common pleas, the production within this state at such time and place as it may designate, of any books, accounts, papers or records kept by the same in any office or place within or without the state of Ohio, or verified copies in lieu thereof, if the commission shall so order, in order that an examination thereof may be made by the commission or under its direction. Any such company, corporation, association or public utility failing or refusing to comply with any such order or subpoena shall, for each day it shall so fail or refuse, forfeit and pay into the state treasury a sum of not less than fifty dollars nor more than five hundred dollars. Production of documents.
- Section 5460.** SECTION 16. For the purpose of making any investigation with regard to any such company, corporation, association or public utility the commission shall have the power to appoint, by an order in writing, an agent whose duties shall be prescribed in such order. Penalty.
- Section 5461.** SECTION 17. In the discharge of his duties such agent shall have every power whatsoever of an inquisitorial nature granted in this act to the commission and the same powers as a notary public, with regard to the taking of depositions; and all powers given by law to a notary public relative to depositions are hereby given to such agent. Agent; appointment, duties, etc.
- Except in his report to the commission, or when called on to testify in any court or proceeding, any such agent who shall divulge any information acquired by him in respect to the transactions, property or business of any public utility, while acting or claiming to act under such order, shall be fined not less than fifty dollars nor more than one Penalty.

hundred dollars, and shall thereafter be disqualified from acting as agent or in any other capacity under the appointment or employment of said commission.

Section 5462.
Contemporaneous investigations.

SECTION 18. The commission may conduct any number of such investigations contemporaneously through different agents, and may delegate to such agent the taking of all testimony bearing upon any investigation or hearing. The decision of the commission shall be based upon its examination of all testimony and records. The recommendations made by such agent shall be advisory only and shall not preclude the taking of further testimony if the commission so order, nor further investigation.

Section 5463.

Information provision.

SECTION 19. Each company, corporation, association or public utility shall furnish to the commission all information required by it to carry into effect the provisions of this act, and shall make specific answers to all questions submitted by the commission.

Section 5464.

Blanks to be filled out.

SECTION 20. Any such company, corporation, association or public utility receiving from the commission any blanks with directions to fill the same, shall cause the same to be properly filled out so as to answer fully and correctly each question therein propounded, and in case it is unable to answer any question, it shall, in writing, give a good and sufficient reason for such failure; and the answers to such questions shall be verified under oath by the president, secretary, superintendent or general manager of the same, and returned to the commission at its office within the period fixed by the commission.

Section 5465.

Maps, profiles, books, etc.

SECTION 21. Whenever required by the commission for the enforcement of this act, every such company, corporation, association or public utility shall deliver to the commission any or all maps, profiles, contracts, reports of engineers and all documents, books, accounts, papers and records or copies of any or all of the same, with an inventory of all its property, in such form as the commission may direct.

Section 5466.

Powers.

SECTION 22. Each of the commissioners, the secretary and every agent provided for in this act for the purpose mentioned in this act, shall have power to administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, records, documents and testimony.

Contempt of court.

In case of disobedience on the part of any person or persons to comply with any order of the commission or any commissioner or any subpoena or on the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated before the commission, or its agents authorized as provided in this act, it shall be the duty of the court of common pleas of the county in which the person resides, or a judge thereof, on application of a commissioner to compel obedience by attachment proceedings for contempt as in the case of disobedience

of the requirements of a subpoena issued from such court or a refusal to testify therein.

Section 5467.

SECTION 23. Each officer who serves a summons or subpoena shall receive the same fees as a sheriff, and each witness who shall appear before the commission by its order shall receive for his attendance the fees and mileage now provided for witnesses in civil cases in courts of common pleas, which shall be audited and paid by the state in the same manner as other expenses are audited and paid, upon the presentation of proper vouchers approved by the chairman of the commission; provided, that no witness subpoenaed at the instance of parties other than the commission shall be entitled to compensation from the state for attendance or travel unless the commission shall certify that his testimony was material to the matter investigated.

Fees,
mileage, etc.

Section 5468.

SECTION 24. The commission, or any party, may, in any investigation, cause the depositions of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in courts of common pleas.

Depositions.

Section 5469.

SECTION 25. A transcribed copy of the evidence and proceedings, or any specific part thereof, on any investigation, taken by the stenographer appointed by the commission, being certified by such stenographer to be a true and correct transcript of all the testimony on the investigation, or of a particular witness, or of a specific part thereof, carefully compared by him with his original notes, and to be a correct statement of the evidence and proceedings had on such investigation so purporting to be taken and transcribed, shall be received in evidence with the same effect as if such reporter were present and testified to the facts so certified. A copy of such transcript shall be furnished on demand, to any party on payment of the fee therefor, as provided for transcripts in courts of common pleas.

Transcripts.

Section 5470.

SECTION 26. No person shall be excused from testifying or from producing accounts, books and papers in any proceedings based upon or growing out of any violation of the provisions of this act on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to penalty or forfeiture, but no person having so testified shall be prosecuted or subjected to any penalty or forfeiture for, or on account of, any transaction, matter or thing concerning which he may have testified or produced any documentary evidence; provided, that no person so testifying shall be exempted from prosecution or punishment for perjury in so testifying.

Immunity
bath.

Section 5471.

SECTION 27. The term "commission" when used in this act, means the tax commission of Ohio. The term "commissioner" means one of the members of such commission.

Section 5472.

Express Co.
defined.

SECTION 28. Any person, joint stock association or corporation, wherever organized or incorporated, engaged in the business of conveying to, from, or through this state, or part thereof, money, packages, gold, silver, plate or other article, by express, not including the ordinary lines of transportation of merchandise and property in this state, is an express company.

Section 5473.

Telegraph Co.
defined.

SECTION 29. Any person, joint stock association or corporation, wherever organized or incorporated, engaged in the business of transmitting to, from, through, or in this state, telegraphic messages, is a telegraph company.

Section 5474.

Telephone Co.
defined.

SECTION 30. Any person, joint stock association or corporation, wherever organized or incorporated, engaged in the business of transmitting to, from, through, or in this state, telephonic messages, is a telephone company.

Section 5475.

Annual
statement.

SECTION 31. Every express, telegraph and telephone company defined in the last three preceding sections of this act, doing business in this state shall, between the first and thirty-first days of May annually, under the oath of the person constituting such company, if a person, or under the oath of the president, secretary, treasurer, superintendent or chief officer in this state of such association or corporation, if an association or corporation, make and file with the commission a statement, in such form as the commission may prescribe.

Section 5476.

SECTION 32. Such statements shall contain:

1. The name of the company.
2. The nature of the company, whether a person or persons, or association or corporation, and under the laws of what state or country organized.
3. The location of its principal office.
4. The name and postoffice address of the president, secretary, auditor, treasurer and superintendent or general manager.
5. The name and postoffice address of the chief officer or managing agent of the company in Ohio.
6. The number of shares of the capital stock.
7. The par value and market value, or if there is no market value, the actual value of its shares of stock on the first day of May.
8. A detailed statement of the real estate owned by the company in Ohio, where situate, and the value thereof as assessed for taxation.
9. A full and correct inventory of the personal property, including moneys and credits, owned by the company in Ohio on the first day of May, where situate, and the value thereof.
10. The total value of the real estate owned by the company and situate outside of Ohio.
11. The total value of the personal property owned by the company and situate outside of Ohio.
12. In the case of telegraph and telephone companies, the whole length of their lines, and the length of so

Real estate,
in Ohio.Real estate,
outside of
Ohio.

much of their lines as is without and is within the state of Ohio, which shall include the lines said telegraph and telephone companies control and use under lease or otherwise and the miles of wire in each taxing district in Ohio.

13. In the case of telephone, telegraph and express companies, the entire gross earnings of the company, from whatever source derived, for the year ending the first day of May, of business wherever done. Gross earnings.

14. In the case of telephone, telegraph and express companies, the gross earnings for the year ending the first day of May, from whatever source derived, of each office within the state of Ohio, and the total gross earnings of the company for such period in Ohio.

15. In the case of express companies, the whole length of the lines of rail and water routes, over which the company did business on the first day of May, and the length of so much of such lines of land and water transportation as is without and within Ohio, naming the lines within Ohio.

Section 5477. 16. Such other facts and information as the commission may require in the form of returns prescribed by it.

SECTION 33. Blanks for making such statements shall be prepared, and, on application, furnished to any such company by the commission. Express, telegraph and telephone companies shall not be required to make returns under, nor be governed by the provisions of section fifty-four hundred and four, fifty-four hundred and five and fifty-four hundred and six of the General Code. Blanks.

Section 5478. SECTION 34. On the first Monday in June the commission shall ascertain and assess the value of the property of the express, telegraph and telephone companies in Ohio. In determining the value of the property of such companies in this state, to be taxed within the state and assessed as herein provided, said commission shall be guided by the value of the property as determined by the value of the entire capital stock of the companies, and such other evidence and rules as will enable said commission to arrive at the true value in money of the entire property of said companies within the state of Ohio, in proportion which such property bears to the entire property of the companies, as determined by the value of the capital stock thereof and the other evidence and rules as aforesaid. June assessment.

Section 5479. SECTION 35. Before the assessment of the property of any express, telephone or telegraph company is determined, any company or person interested shall have the right, on written application, to appear before the commission and be heard in the matter of the valuation of the property of any company for taxation. After the assessment of the property of any such company for taxation by the commission, and before the certification by the commission of the apportioned valuation to the several counties, the commission may, on the application of any interested person or company, or on its own motion, correct the Corrections.

assessment or valuation of the property of any such company, in such manner as will, in its judgment, make the valuation thereof just and equal. The commission shall have and may exercise all the powers possessed by county auditors under sections fifty-three hundred and ninety, fifty-three hundred and ninety-seven, fifty-three hundred and ninety-eight, fifty-three hundred and ninety-nine, fifty-four hundred, fifty-four hundred and one, fifty-four hundred and two and fifty-four hundred and three of the General Code; and said express, telegraph and telephone companies shall be subject to all the provisions and penalties of said sections.

Section 5480.

Apportionment.

SECTION 36. The commission shall deduct from the total value of the property of each of said companies in Ohio, the value, as assessed for taxation, of any real estate situate in Ohio and owned by such company. The value of the property of telegraph and telephone companies in Ohio, after deducting the value of the real estate, shall be apportioned by the commission among the several counties through or into which the lines of such telegraph or telephone companies run, so that to each county shall be apportioned such part of the entire valuation as will equalize the relative value of the property of the company therein, in proportion to the whole value of the property of the company in the state, and in the proportion that the length of the lines of wire owned by the company in the county bears to the whole length of the lines of wire in the state.

Section 5481.

SECTION 37. The value of the property of any express company shall be apportioned by the commission among the several counties in which the company does business, in the proportion that the gross earnings in each county bear to the entire gross earnings in the state.

Section 5482.

Apportionment by county auditor.

SECTION 38. The commission shall, on or before the fifteenth day of August, certify to the county auditor the amount apportioned to his county, and the county auditor, upon receiving such certificate, shall apportion the amount therein stated among the cities, villages, townships or other taxing districts, after the same method used for the apportionment of the valuation in the state among the counties. The county auditor shall place the apportioned valuation on the tax duplicate, and taxes shall be levied and collected thereon at the same rate and in the same manner as taxes are levied and collected on other personal property in the taxing district in question.

Section 5483.

Freight-line Co. defined.

SECTION 39. That any person or persons, joint stock association or corporation, wherever organized or incorporated, engaged in the business of operating cars, not otherwise listed for taxation in Ohio, for the transportation of freight, whether such freight is owned by such company, or any other person or company, over any railway line or lines in whole or part within this state, such line or lines not being owned, leased or operated by such company, whether such cars be termed box, flat, coal, ore,

tank, stock, gondola, furniture or refrigerator cars, or by another name, shall be deemed to be a freight-line company. Any person or persons, joint stock association or corporation, wherever organized, or incorporated, engaged in the business of furnishing or leasing cars, of whatsoever kind or description, to be used in the operation of any railway line or lines, wholly or partially within this state, such line or lines not being owned, leased or operated by such company, and such cars not being otherwise listed for taxation in Ohio, shall be deemed to be an equipment company. Any person or persons, joint stock association or corporation, wherever organized or incorporated, engaged in the business of operating cars, not otherwise listed for taxation in Ohio, for the transportation, accommodation, comfort, convenience or safety of passengers, on or over any railway line or lines, in whole or part within this state, such line or lines not being owned, leased or operated by such company, whether such cars be termed sleeping, palace, parlor, chair, dining or buffet-cars, or by another name, shall be deemed to be a sleeping-car company.

Equipment
Co. defined.

Sleeping-car
Co. defined.

Section 5484.

SECTION 40. Every sleeping-car, freight-line and equipment company doing business or owning cars which are operated in this state shall, annually, between the first and thirty-first days of May, under the oath of the person constituting such company, if a person, or under the oath of the president, secretary, treasurer, superintendent or chief officer in this state of such association or corporation, if an association or corporation, make and file with the commission a statement, in such form as the commission may prescribe.

Annual state-
ment.

Section 5485.

SECTION 41. Such statement shall contain:

1. The name of the company.
2. The nature of the company, whether a person or persons, or association or corporation, and under the laws of what state or country organized.
3. The location of its principal office.
4. The name and post-office address of the president, secretary, auditor, treasurer, and superintendent or general manager.
5. The name and post-office address of the chief officer and managing agent of the company in Ohio.
6. The number of shares of capital stock.
7. The par and market value, or, if there is no market value, the actual value of the shares of stock on the first day of May.
8. A detailed statement of the real estate owned by the company in Ohio, where situate, and the value thereof as assessed for taxation.
9. The total value of the real estate owned by the company and situate outside of Ohio.
10. The whole length of the lines of railway over which the company runs its cars, and the length of so

Real estate in
Ohio.

Real estate
outside of
Ohio.

much of such lines as is without and is within the state of Ohio.

Section 5486.

SECTION 42. In the case of an equipment company, such statement shall also contain the whole number and value of the cars owned and leased by the company, classifying the cars according to kind; the whole length of the lines of railway, wherever located, operated by the companies, naming them, to which cars owned by such equipment company are leased, and the length of so much of said lines as is without and within the state of Ohio, giving the name and location of the lines wholly or partially within the state of Ohio.

**Section 5487.
Blanks.**

SECTION 43. Blanks for making the above statement shall be prepared, and on application, furnished any company by the commission. Sleeping-car, freight-line and equipment companies shall not be required to make returns, and shall not be governed by the provisions of sections fifty-four hundred and four, fifty-four hundred and five and fifty-four hundred and six, of the General Code.

Section 5488.

"Proportion"
to be used as
a guide.

SECTION 44. The commission shall ascertain and determine, on or before the second Monday in August, the amount and value of the proportion of the capital stock of sleeping-car, freight-line and equipment companies, representing capital and property of such companies owned and used in Ohio, and in determining the same, shall be guided in each case by the proportion of the capital stock of the company representing rolling-stock, which the miles of railroad over which such company runs cars, or its cars are run in Ohio, bear to the entire number of miles in Ohio and elsewhere over which such company runs cars, or its cars are run, and such other rules and evidence as will enable the commission to determine, fairly and equitably, the amount and value of the capital stock of such company representing capital and property owned and used in the state of Ohio. Before the amount and value of the capital stock of any company representing capital and property owned and used in Ohio is determined, any company or person interested shall have the right, on written application, to appear before the commission and be heard in the matter of such determination. After fixing the amount and value of the capital stock of any company representing capital and property owned and used in Ohio, and before the certification to the auditor of state of such amount, the commission may, on the application of any person or company interested, or on its own motion, review and correct its action in such manner as it may deem just and proper.

Corrections.

Section 5489.
September report to auditor of state.

Excise tax—
1 1/5%.

SECTION 45. The commission shall on the first Monday in September of each year report to the auditor of state, who shall charge the amount in the nature of an excise tax charged and to be collected from each sleeping-car, freight-line and equipment company doing business or owning cars which are operated in this state, computed

by taking one and two-tenths per cent. of the amount fixed by the commission as the value of the portion of the capital stock representing the capital and property of each company owned and used in Ohio after deducting the value of the real estate of the company in Ohio assessed and taxed locally if any there be. It shall be the duty of the auditor of state, on or before the first day of October, annually, to certify to the treasurer of state as herein provided for collection from each sleeping-car, freight-line and equipment company doing business or owning cars which are operated in this state, the amount so charged.

Certificate to treasurer.

Section 5490.

SECTION 46. That any person or persons, firm or firms, joint stock association or corporation, wherever organized or incorporated, engaged in the business of supplying electricity for light, heat or power purposes, to consumers within this state, is an electric light company; when engaged in the business of supplying artificial gas for lighting or heating purposes to consumers within this state, is a gas company; when engaged in the business of supplying natural gas for lighting, heating or power purposes to consumers within this state, is a natural gas company; when engaged in the business of transporting natural gas or oil through pipes or tubing, either wholly or partially, within this state, is a pipe line company; when engaged in the business of supplying water, through pipes or tubing, or in a similar manner to consumers within this state, is a waterworks company; when engaged in the business of operating a street, suburban or interurban railroad, wholly or partially within this state, whether the cars used in such business are propelled by animals, steam, cable, electricity, or other motive power, is a street, suburban or interurban railroad company; when engaged in the business of supplying messengers, or of signalling or calling by electrical apparatus, or in a similar manner, for any purpose, is a messenger or signal company; when engaged in the business of operating a union depot or station for railroad or interurban railroad purposes, is a union depot company; when engaged in the business of operating a railroad, either wholly or partially within this state, on rights of way acquired and held exclusively by such company or otherwise, is a railroad company; when engaged as a common carrier in the transportation of passengers or property, by boat or other water craft, over any waterway, whether natural or artificial, from one point within this state, to another point within this state, or between points within this state and points without the state, shall be deemed to be a water transportation company; when engaged in the business of supplying water, steam, or air through pipes or tubing, to consumers within the state, for heating or for cooling purposes, is a heating, or a cooling company.

Electric light company defined.

Gas company defined.

Pipe line company defined.

Water works company.

Street, suburban or interurban railroad company.

Messenger or signal company.

Union depot company. Railroad company.

Water transportation company.

Heating or cooling company.

Section 5491.

SECTION 47. Each public utility except railroad com-

Annual statement. panies doing business in this state shall, annually, on or before the first day of August, and each such railroad company shall, annually, on or before the first day of October under the oath of the person constituting such company, if a person, or under the oath of the president, secretary, treasurer, superintendent or chief officer in this state, of such association or corporation, if an association or corporation, make and file with the commission a statement, in such form as the commission may prescribe.

Section 5492. SECTION 48. The statement, provided in the preceding section, shall contain:

1. The name of the company.
2. The nature of the company, whether a person or persons or associations or corporation, and under the laws of what state or country organized.
3. The location of its principal office.
4. The name and postoffice address of the president, secretary, auditor, treasurer and superintendent or general manager.
5. The name and postoffice address of the chief officer or managing agent of the company in Ohio.
6. Such other facts and information as the commission may require in the form of return prescribed by it.

Section 5493. SECTION 49. In the case of express companies, such statement shall also contain the entire receipts, including all sums earned or charged, whether actually received or not, for business done within this state, giving the name of the office, for the year then next preceding the first day of May, for and on account of such company, including its proportion of gross receipts for business done by such company within this state in connection with other companies, excluding therefrom all receipts derived wholly from interstate business or business done for the federal government. Such statement shall also contain the total amount of receipts for business done within this state.

Express company statement.

Section 5494. SECTION 50. In the case of telegraph and telephone companies, such statement shall also contain the entire gross receipts, including all sums earned or charged, whether actually received or not, for the year then next preceding the first day of May, from whatever source derived, whether messages, telephone tolls, rentals, or otherwise, for business done within this state, excluding therefrom all receipts derived wholly from interstate business or business done for the federal government. Such statement shall also contain the gross receipts of each office within this state, giving the name of the office; also the total of such gross receipts of the company for such period in this state from such business done within this state.

Telegraph and telephone company statement.

Section 5495. SECTION 51. In the case of each railroad, such statement shall also contain the entire gross earnings, including all sums earned or charged, whether actually received

or not, for the year then next preceding the 30th day of June, from whatever source derived, for business done within this state, excluding therefrom all earnings derived wholly from interstate business or business done for the federal government; such statement shall also contain the gross earnings of each office within this state, giving the name of the office; also the total of such gross earnings of such company for such period in this state from such business done within this state.

Railroad
company
statement.

Section 5496. SECTION 52. In the case of each street, suburban or interurban railroad, such statement shall also contain the entire gross earnings, including all sums earned or charged, whether actually received or not, for the year then next preceding the first day of May, from whatever source derived, for business done within this state, excluding therefrom all earnings derived wholly from interstate business or business done for the federal government. Such statement shall also contain the gross earnings of each office within this state, giving the name of the office; also the total of such gross earnings of such company for such period in this state from such business done within this state.

Street, subur-
ban or inter-
urban railroad
company
statement.

Section 5497. SECTION 53. In the case of all public utilities except railroads, street, suburban and interurban railroads, such statement shall also contain the entire gross receipts of the company, including all sums earned or charged, whether actually received or not, for business done within this state for the year next preceding the first day of May, including the company's proportion of gross receipts for business done by it within this state in connection with other companies, firms, corporations, persons or associations, but this shall not apply to receipts from interstate business, or business done for the federal government.

Public utili-
ties, other
than railroads,
statement.

Section 5498. SECTION 54. Blanks for making such statements shall be prepared by the commission and, on application, furnished by it to any electric light, gas, natural gas, pipe line, water-works, street, suburban or interurban railroad, express, telegraph, telephone, messenger or signal, union depot, railroad, heating, cooling and water transportation company.

Blanks.

Section 5499. SECTION 55. The commission shall ascertain and determine, on or before the first day of September, the entire gross receipts as aforesaid, of each electric light, gas, natural gas, pipe line, water-works, express, telegraph, telephone, messenger or signal, union depot, heating, cooling and water transportation company for business done within Ohio for the year then next preceding the first day of May, excluding therefrom all receipts derived wholly from interstate business or business done for the federal government. The amount so ascertained by the commission, in such instance for the purposes of this act, shall be the gross receipts of such electric light, gas, natural gas, pipe line, waterworks, express, telegraph, telephone, messenger

Gross receipts.

or signal, union depot, heating, cooling, water transportation companies for business done within Ohio for such year.

- Section 5500.** **Gross earnings.** SECTION 56. The commission shall also ascertain and determine, on or before the first day of November, the gross earnings as provided in this act, of each railroad company whose line is wholly or partially within this state, for the year then next preceding the 30th day of June. The amount so ascertained by the commission shall be the gross earnings of such railroad company for such year.
- Section 5501.** **Gross earnings.** SECTION 57. The commission shall also ascertain and determine, on or before the first day of September, the gross earnings as provided in this act, of each street, suburban and interurban railroad company whose line is wholly or partially within this state, for the year then next preceding the first day of May. The amount so ascertained by the commission shall be the gross earnings of such street, suburban, or interurban railroad company for such year.
- Section 5502.** **Hearing.** SECTION 58. Before the gross receipts or earnings of any such public utility are determined, any company or person interested, shall have the right on written application, to appear before the commission and be heard in the matter of such determination.
- Section 5503.** **Corrections.** SECTION 59. After the determination of the amount of the gross receipts or earnings of any such public utility, and before the report to the auditor of state of such amount, as provided in this act, the commission may, on the application of any person or company interested, or on its own motion, review and correct its findings.
- Section 5504.** **Report to auditor of state.** SECTION 60. The commission shall, on or before the first day of October, report to the auditor of state, the amount of the gross receipts so determined, of electric light, gas, natural gas, pipe line, water-works, express, telegraph, telephone, messenger or signal, union depot, heating, cooling and water transportation companies, and the amount of the gross earnings so determined of each street, suburban, interurban railroad company, for the year then next preceding the first day of May. On or before the fifteenth day of November the commission shall report to the auditor of state the amount of the gross earnings determined as aforesaid, of each railroad company for the year then next preceding the 30th day of June.
- Section 5505.** **Tax—1½%.** SECTION 61. It shall be the duty of the auditor of state, in the month of October, annually, to charge for collection from each electric light, gas, natural gas, water-works, telephone, messenger or signal, union depot, heating, cooling and water transportation company, a sum in the nature of an excise tax, for the privilege of carrying on its intra-state business, to be computed on the amount so fixed and reported by the commission as the gross re-

ceipts of such company on its intra-state business for the year then next preceding the first day of May, by taking one and two-tenths per centum of all such gross receipts.

Section 5506.

SECTION 62. In the month of October, the auditor of state shall charge for collection from each street, suburban and interurban railroad company, a sum in the nature of an excise tax, for the privilege of carrying on its intra-state business, to be computed on the amount so fixed and reported to him by the commission as the gross earnings of such company on its intra-state business for the year then next preceding the first day of May, by taking one and two-tenths per centum of all such gross earnings.

Tax—1½%.

Section 5507.

SECTION 63. In the month of October, the auditor of state, shall charge for collection from each express and telegraph company, a sum in the nature of an excise tax, for the privilege of carrying on its intra-state business, to be computed on the amount so fixed and reported to him by the commission as the gross receipts of such company on its intra-state business for the year then next preceding the first day of May, by taking two per centum of all such gross receipts.

Tax—2%.

Section 5508.

SECTION 64. In the month of November, the auditor of state shall charge for collection from each railroad company, a sum in the nature of an excise tax, for the privilege of carrying on its intra-state business, to be computed on the amount so fixed and reported to him by the commission, as the gross earnings of such company on its intra-state business for the year then next preceding the 30th day of June, by taking four per centum of all such gross earnings.

Tax—4%.

Section 5509.

SECTION 65. In the month of November, the auditor of state shall charge for collection from each pipe-line company, a sum in the nature of an excise tax, for the privilege of carrying on its intra-state business, to be computed on the amount so fixed and reported to him by the commission, as the gross receipts of such company on its intra-state business for the year then next preceding the first day of May by taking four per centum of all such gross receipts.

Tax—4%.

Section 5510.

SECTION 66. After determining the amount of taxes payable to the state as provided in this act, the auditor of state shall thereupon prepare proper duplicates and reports, and certify the same to the treasurer of state for collection. At the time of so certifying, he shall notify the companies charged therewith of the amount due. The treasurer of state shall proceed to collect the same and render a daily itemized statement to the auditor of state of the amount of tax collected and the name of the company from whom collected, under all the provisions of this act.

Collection of
taxes, by
treasurer of
state.

Section 5511.

SECTION 67. Nothing contained in this act shall exempt or relieve electric light, gas, natural gas, pipe line, waterworks, street, suburban or interurban railroad, ex-

Other taxes
not affected.

press, telegraph, telephone, messenger or signal, union depot, railroad, heating, cooling and water transportation companies from the assessment and taxation of their property in the manner authorized and provided by law.

Section 5512.

Disposition of
taxes.

Collection by
attorney
general.

SECTION 68. All taxes received by the treasurer of state under the provisions of this act, shall be credited to the general revenue fund. If any public utility fail or refuse to pay on or before the fifteenth day of December the tax assessed against it, the treasurer of state shall certify the list of such utilities so delinquent to the auditor of state, who shall add to the tax due a penalty of fifteen per cent. thereon, and forthwith certify the same to the attorney general for collection. The attorney general shall forthwith proceed to collect the same, and the amount so collected shall be paid into the state treasury, and credited to the general revenue fund. Suits for the collection of such tax may be brought in the name of the state, in Franklin county, or in any county in which such public utility is doing business, or the line of any street, suburban or interurban railroad company or railroad company is located.

Section 5513.

Invalidity,
effect of.

SECTION 69. In case the tax herein authorized to be charged and collected against any class of companies defined in this act, shall for any reason, be declared invalid, such invalidity shall in nowise effect the validity of the law, as applicable to any other class or classes of companies provided in this act, nor shall the abrogation or repeal of any section or clause of this act be held to abrogate or repeal any other section or clause thereof.

Section 5514.

Statement
filed with
secretary of
state.

SECTION 70. During the month of November of each year, the commission shall file with the secretary of state a written statement containing the name of each company which has complied with the provisions of this act during the year next preceding, and such facts respecting it within its knowledge which are required by law to be annually filed with the secretary of state by corporations other than those included within the provisions of this act.

Section 5515.

SECTION 71. This act shall not be construed so as to require any municipal corporation within the state to make any return or pay any taxes under any provisions of this act.

Section 5516.

Statement to
commission.

SECTION 72. Between the first and fifteenth days of January in the year 1911, and within the same time of each year thereafter, a statement shall be delivered to the commission, in such form as the commission may prescribe, by each public utility, as defined in this act, other than express, telegraph and telephone companies, with respect to such utility's plant or plants, and all property owned or operated, or both, by it wholly or in part within this state. Such statement shall be signed and sworn to under the oath of the person constituting such public utility, if a person, or under the oath of the president, secretary, treas-

urer, superintendent or principal accounting officer or person of such firm, association or corporation, if a firm, association or corporation; and such statement shall contain:

1. The name of the company.
2. The nature of the company, whether a person or persons, firm, association or corporation, and under the laws of what state or country organized.
3. The location of its principal office.
4. The name and postoffice address of the president, secretary, auditor or the principal accounting officer or person, treasurer and superintendent or general manager.
5. The name and postoffice address of the chief officer or managing agent of the company in Ohio.
6. The number of shares of the capital stock.
7. The par value and market value, or if there is no market value, the actual value of its shares of stock on the first day of the month of January in which the statement is made; the amount of capital stock subscribed, and the amount thereof actually paid in.

8. A detailed statement of the real estate owned by the company in Ohio, where situate, and the value thereof as assessed for taxation, making separate statements of that part used in connection with the daily operations of the company, and that part used otherwise if any such there be.

Real estate in Ohio.

9. A full and correct inventory of the personal property, including moneys, investments and credits, owned by the company in Ohio on the first day of the month of January in which the statement is made, where situate, and the value thereof, making separate statements of that part used in connection with the daily operations of the company, and that part used otherwise if any such there be.

10. The total value and a general description of the real estate owned by the company and situate outside of Ohio, giving the location of the same, making separate statements of that part used in connection with the daily operations of the company, and that part used otherwise if any such there be.

Real estate outside of Ohio.

11. A description or inventory and the total value of the personal property owned by the company and situate outside of Ohio, giving the location thereof, making separate statements of that part used in connection with the daily operations of the company, and that part used otherwise if any such there be.

12. The total amount of bonded indebtedness and of indebtedness not bonded; the gross receipts for the preceding calendar year from any and all sources, and the gross expenditures for the preceding calendar year, giving a detailed statement thereof under each class or head of expenditures.

Indebtedness.

13. In the case of street, suburban or interurban

railroad companies, and railroad companies, such statements shall also give:

(a) The whole length of their lines and the length of so much of their line as is without and is within the state of Ohio, including branches in and out of the state, which shall include lines and branches of said companies control and use under lease or otherwise.

(b) The railway track in each county in the state, through which it runs; giving the whole number of miles of road in the county, including the track and its branches and side and second tracks, switches, and turnouts therein, and the true and actual value per mile of such railway in each county, stating the valuation of main track, second or other main tracks, branches, sidings, switches and turnouts, separately.

(c) Such statement as to character, classes, number, amounts, values, locations, ownership or control and use of rolling stock, as the commission may require.

(d) The depots, station houses, section houses, freight houses, machine and repair shops and machinery therein, and all other buildings, structures and appendages connected thereto or used therewith, including tool houses, and the tools usually kept therein, together with telegraph and telephone lines owned or used, and the true and actual value of all building and structures, and all such machinery, tools and appendages, including such telegraph and telephone lines, and the true and actual value thereof in each county in this state in which it is located.

(e) The gross earnings for the year, including earnings from telegraph lines, which shall be stated separately, on the whole length of the road, including the branches thereof, in and out of the state, and also such earnings within the state on way freight and passengers.

14. In the case of pipe line, gas, natural gas, water-works and heating or cooling companies, such statement shall also show:

(a) The number of miles of pipe line owned, leased or operated within this state, the size or sizes of the pipe composing such line, and the material of which such pipe is made;

(b) If such pipe line be partly within and partly without this state, the whole number of miles thereof within this state and the whole number of miles without this state, including all branches and connecting lines in and out of the state;

(c) The length, size and true and actual value of such pipe line in each county of this state, including in such valuation the main line, branches and connecting lines, and stating the different values of the pipe separately;

(d) Its pumping stations, machine and repair shops and machinery therein, tanks, storage tanks and all other buildings, structures and appendages connected or used

therewith, including telegraph and telephone lines and wires, and the true and actual values of all such stations, shops, tanks, buildings, structures, machinery, and appendages and of such telegraph and telephone lines, and the true and actual value thereof in each county in this state in which it is located; and the number and value of all tank cars, tanks, barges, boats and barrels;

15. In addition to the facts and information herein specifically required to be given, such statement shall contain any and all other facts and information which the commission may require, and in the form of returns prescribed by the commission.

Other facts.

Section 5517.

SECTION 73. Between the fifteenth day of January and the fifteenth day of May of each year, the commission shall ascertain and assess at its true value in money all the property in this state of each such public utility subject to the provisions of this act, other than express, telegraph and telephone companies. In determining the value of the property of such public utility, to be assessed and taxed within the state, the commission shall be guided by the value of the property as determined by the information contained in the sworn statements made by the public utility to the commission and such other evidence and rules as will enable it to arrive at the true value in money of the entire property of the said public utility within this state, in the proportion which the value of such property bears to the value of the entire property of the said public utility. The property of such public utilities to be so assessed by the commission, shall be all the personal property thereof, which shall include all real estate necessary to the daily operations of the public utility and money and credits within this state.

Assessment.

Section 5518.

SECTION 74. The commission shall give notice to each public utility referred to in the last preceding section hereof, ten days before such property will be assessed of the time and place where such value will be ascertained. Before the assessment of said property, each of said public utilities shall have the right, upon written application, to appear before the commission and be heard in the matter of the valuation of its said property for taxation. After the assessment of the property of any such public utility for taxation by the commission, and before the certification by it of the apportioned value to the county, or to the several counties as herein provided, the commission may, on the application of any such public utility or any person interested therein, or on its own motion, correct the assessment or valuation of its property, in such manner as will, in its judgment, make the valuation thereof just and equal. The commission shall have and may exercise all the powers possessed by county auditors under sections fifty-three hundred and ninety, fifty-three hundred and ninety-seven, fifty-three hundred and ninety-nine, fifty-four hundred, fifty-four hundred and one,

Notice of assessment.

Powers of commission.

shall be apportioned by the commission in such manner as will fairly and equitably determine the principal sum for the value thereof in this state, and after ascertaining the same it shall be apportioned by the commission, as herein provided.

Section 5524.

Remitting
provision.

SECTION 80. The commission may remit taxes and penalties thereon, found by it to have been illegally assessed, and such penalties as have accrued or may accrue in consequence of the negligence or error of an officer required to perform a duty relating to the assessment of property for taxation, or the levy or collection of taxes. It may correct an error in an assessment of property for taxation or in the duplicate of taxes in a county. No such taxes, assessments or penalties in excess of one hundred dollars shall in any case be remitted until after at least ten days' notice of the application to have the same remitted shall have been served upon the prosecuting attorney and the county auditor of the county where such taxes or assessments were levied, and proof of such service has been filed with the commission.

Complaints.

When any taxes or penalties have been remitted as provided in this section the commission shall make a report of the same to the auditor of state. It may receive complaints and carefully examine into all cases where it is alleged that property subject to taxation has not been assessed or has been fraudulently or for any reason improperly or unfairly assessed, or the law in any manner evaded or violated, and may cause to be instituted such proceedings as will remedy improper or negligent administration of the taxation laws of the state.

Section 5525.

Orders and
instructions.

SECTION 81. The commission shall prepare and transmit to the auditors of the several counties such forms of returns to be made by them to its office, and such instructions as it deems conducive to the best interests of the state upon a subject affecting taxation, or the construction of any statute effecting taxation the execution of which devolves upon any county or local officer. It shall see that all laws concerning the valuation and assessment of all classes of property, and the collection of taxes thereon are faithfully obeyed. It shall issue such orders and instructions to the different taxing officers as will carry into effect the provisions of law relating to taxation and shall enforce the same agreeably to the provisions of this act. Each such officer shall obey and observe all such orders and instructions, and upon failure shall be subject to the penalties herein provided.

Reassessment.

It shall order a re-assessment of the real or personal property in any taxing district, when in the judgment of said commission such property has not been assessed at its true value in money, to the end that all classes of property in such taxing district shall be assessed in compliance with the law. When a re-assessment is ordered in any taxing district the commission shall appoint an

appraiser or board of appraisers who shall forthwith proceed to re-assess such property in such taxing district and who shall have all the powers, shall perform all the duties and shall receive the same compensation from the same sources as provided by law for assessors of real or personal property as the case may be. It shall require county auditors to place upon the tax duplicate any property which may be found to have, for any reason, escaped assessment and taxation.

It may raise or lower the assessed value of any real or personal property, first giving notice to the owner or owners thereof fixing a time and place for hearing any person or persons interested to the end that the assessment laws of the state may be equitably administered. Said hearing shall in case of realty be had within the county in which said realty is situated, and in case of personalty within the county wherein the owner thereof resides if a natural person residing in this state.

Notice of
hearing.

For the purpose of protecting the public interest the commission is authorized to appear and upon its application entitled to be heard in any court or tribunal in any proceeding in which an abatement of taxes is sought. It shall be the duty of the clerk of any court of record in this state to immediately transmit to the commission by registered letter a copy of the petition filed in any action in which an abatement of taxes, assessed by the commission, is sought, and charge the fee therefor in the costs.

County auditors and all local officers shall observe and use such forms and obey such instructions.

Section 5526.

SECTION 82. Each corporation organized under the laws of this state, for profit, shall make a report in writing to the commission, annually, during the month of May, in such form as the commission may prescribe. The report shall be signed, and sworn to before an officer authorized to administer oaths, by the president, vice-president, secretary, or general manager of the corporation, and forwarded to the commission.

Annual report.

Section 5527.

SECTION 83. Such report shall contain:

1. The name of the corporation.
2. The location of its principal office.
3. The names of the president, secretary, treasurer, and members of the board of directors, with the postoffice address of each.
4. The date of the annual election of officers.
5. The amount of authorized capital stock and the par value of each share.
6. The amount of capital stock subscribed, the amount of capital stock issued and outstanding, and the amount of capital stock paid up.
7. The nature and kind of business in which the corporation is engaged and its place or places of business.

8. The change or changes, if any, in the above particulars made since the last annual report.

Section 5528.

SECTION 84. Upon the filing of the report provided in sections 82 and 83 of this act, the commission, after finding such report to be correct, shall report to the auditor of state, who shall charge and certify to the treasurer of state for collection on or before July fifteenth as herein provided, from such corporation, a fee of three-twentieths of one per cent. upon its subscribed or issued and outstanding capital stock, which fee shall not be less than ten dollars in any case.

Annual fee—
3/20 of 1%.

Section 5529.

Foreign corporations.

SECTION 85. Each foreign corporation for profit, doing business in this state, and owning or using a part or all of its capital or plant in this state, and subject to compliance with all other provisions of law, and in addition to all other statements required by law, shall make a report in writing to the commission, annually, during the month of July, in such form as the commission may prescribe.

Section 5530.

Annual
report.

The report shall be signed, and sworn to before an officer, authorized to administer oaths, by the president, vice-president, secretary, superintendent or managing agent in this state, and forwarded to the commission.

SECTION 86. Such report shall contain:

1. The name of the corporation and under the laws of what state or country organized.

2. The location of its principal office.

3. The names of the president, secretary, treasurer and members of the board of directors, with the post-office address of each.

4. The date of the annual election of officers.

5. The amount of authorized capital stock, and the par value of each share.

6. The amount of capital stock subscribed, the amount of capital stock issued, and the amount of capital stock paid up.

7. The nature and kind of business in which the company is engaged and its place or places of business, both within and without the state.

8. The name and location of its office or offices in this state, and the name and address of the officers or agents of the corporation in charge of its business in this state.

9. The value of the property owned and used by the company in this state, where situated, and the value of the property owned and used outside of this state, and where situated.

10. The change or changes, if any, in the above particulars made since the last annual report.

Section 5531.

SECTION 87. Upon the filing of the report provided for in the last two preceding sections the commission, from the facts thus reported and any other facts coming to its knowledge bearing upon the question, shall determine the

proportion of the authorized capital stock of the company represented by its property and business in this state, on or before September first, and shall report the same to the auditor of state, who shall charge and certify to the treasurer of state on or before October first, for collection, as herein provided, annually, from such company, in addition to the initial fees otherwise provided for by law, for the privilege of exercising its franchises in this state one-tenth of one per cent. for the year 1910 and three-twentieths of one per cent. for each year thereafter upon the proportion of the authorized capital stock of the corporation represented by property owned and used and business transacted in this state, which fee shall not be less than ten dollars in any case.

"Proportion"
for taxation.

Section 5532.

SECTION 88. Each corporation organized under the laws of this state, not for profit, and having no capital stock, shall make a report in writing to the commission, annually, during the month of November, in such form as the commission may prescribe. The report shall be signed, and sworn to before an officer authorized to administer oaths, by the president, vice-president, secretary or other chief officer of the corporation, and forwarded to the commission.

Corporations
not for profit.

Section 5533.

SECTION 89. Such report shall contain :

1. The name of the corporation.
2. The location of its principal office.
3. The names of the president, secretary, treasurer and members of the board of trustees, or directors, with postoffice address of each.
4. The date of the annual election of officers.
5. The object or purpose which such corporation is engaged in carrying out.

Section 5534.

SECTION 90. Upon the filing of such report, as provided in the last two preceding sections, the commission shall report to the auditor of state, on or before December first, who shall charge and certify to the treasurer of state on or before January first, for collection, as herein provided, a fee of ten dollars from each corporation, organized as a mutual insurance corporation, not having a capital stock, or any other mutual corporation not organized strictly for benevolent or charitable purposes and having no capital stock, or of a company or association organized to transact the business of life or accident, or life and accident insurance on the assessment plan for the purpose of mutual protection and relief to its members and the payment of stipulated sums of money to the family, heirs, executors, administrators, or assigns of the deceased member thereof.

Mutual
companies.

Section 5535.

SECTION 91. Upon the filing of the report, provided for in sections eighty-eight and eighty-nine of this act, the commission shall report to the auditor of state, on or before December first, who shall charge and certify to the treasurer of state on or before January first, for collec-

One dollar
class.

tion, as herein provided, one dollar from each corporation formed for religious, benevolent or literary purposes, or of such corporations as are not organized for profit, have no capital stock, and are not mutual in their character, or of religious or secret societies or associations composed exclusively of any class of mechanics, express, telegraph, railroad or other employes, formed exclusively for the mutual protection and relief of the members thereof and their families.

Section 5536. **SECTION 92.** Upon the filing of the report and the payment of the fee provided for in sections eighty-two to one hundred inclusive of this act to the treasurer of state, the auditor of state shall make out and deliver to the corporations so paying, a certificate of the compliance by such corporations with said sections of this act, and the payment of the annual fee therein provided for. The auditor of state shall make a report monthly to the commission of the annual fees so collected.

Monthly
statement.

Section 5537. **SECTION 93.** The fees, taxes and penalties required to be paid by this act, shall be the first and best lien on all property of the corporation, whether such property is employed by the corporation in the prosecution of its business or is in the hands of an assignee, trustee or receiver for the benefit of the creditors and stockholders thereof.

Section 5538. **SECTION 94.** If a corporation, other than a public utility, required to file a report and pay the fee prescribed in this act, fails or neglects to make such report as required herein or pay such fee within thirty days after the same has been certified to the treasurer for collection, it shall be subject to a penalty of fifteen per cent. of the amount of the fee required to be paid by it.

Penalty.

Section 5539. **SECTION 95.** Such penalty or penalties and the annual fee or fees to be paid as provided in this act may be recovered by an action in the name of the state, and on collection shall be paid into the state treasury to the credit of the general revenue fund.

Section 5540. **SECTION 96.** The attorney general, on request of the commission, shall institute such action in the court of common pleas of Franklin county, or any county in the state in which such corporation has an office or place of business.

Section 5541. **SECTION 97.** If a corporation organized under the laws of Ohio, for profit or not for profit, required to file the report and pay the fee prescribed in this act, fails or neglects to make such report or pay such fee for three months after the expiration of the time limited by this act, and such default is wilful and intentional, the attorney general, on the request of the commission, shall bring an action in the circuit court of Franklin county, or any county in this state in which such corporation is located, to forfeit and annul the charter of such corporation.

Forfeiture of
charter.

If the court is satisfied that such default is wilful

and intentional it may revoke and annul such charter.

Section 5542.

SECTION 98. The secretary of state shall prepare and keep a correct list of all corporations subject to the provisions of sections eighty-two to one hundred inclusive of this act, and engaged in business within this state, and shall on the first day of July, 1910, certify a copy of said list to the commission, and shall monthly thereafter file with the commission a certified report showing all new corporations, the increase or decrease of the capital stock, or the dissolution of existing corporations and such other information as the commission may require. For the purpose of obtaining necessary information, the secretary of state or the commission shall have access to the records of the offices of the county auditors of the state.

List of secretary of state.

Section 5542-1.

SECTION 99. Any county auditor, upon request of the secretary of state or commission, shall furnish such information as is shown by the records of his office concerning corporations located within his county, and subject to the provisions of this act. The commission for the purpose of determining the amount of fees due from such corporation, may investigate and determine the facts showing the proportion of the authorized capital stock of the company represented by its property and business in this state.

Information.

Section 5542-2.

SECTION 100. Any corporation may be heard by the commission upon the question of the amount of fees or penalties due to the state from it under the provisions of this act, and its decision in the matter shall be final.

Section 5542-3.

SECTION 101. Electric light, gas, natural gas, water-works, pipe line, street railroad, suburban or interurban railroad, steam railroad, messenger, union depot, express, freight line, sleeping car, telegraph, telephone, and other public utilities required by law to file annual reports with the commission, and insurance, fraternal beneficial, building and loan, bond investment and other corporations required by law to file annual reports with the superintendent of insurance shall not be subject to the provisions of sections eighty-two to ninety-two inclusive of this act.

Exceptions.

Section 5542-4.

SECTION 102. A corporation shall not be required to file its first annual report under sections eighty-two to one hundred inclusive of this act until the proper month hereinbefore provided for the filing of such report, next following the expiration of six months from the date of its incorporation or admission to do business in this state.

First annual report.

Section 5542-5.

SECTION 103. The commission shall have authority to increase or decrease the value of the shares of incorporated banks and also the shares of unincorporated banks the capital stock of which is divided into shares each of which shares is an aliquot part of the capital so divided, and of the property representing the capital employed by unincorporated banks the capital stock of which is not divided into shares and for this purpose it shall on the third Tuesday of June, annually, examine the returns of said

Bank provisions.

banks to the county auditors and the value of said shares and of the property representing the capital employed as fixed by the county auditors, as the same shall have been reported by the county auditors which report shall be made to the commission.

Section 5542-6. SECTION 104. The commission shall hear complaints and increase or decrease the value of said shares and property representing capital employed, if in the judgment of the commission, the value of all the bank property so reported to the commission by the county auditors is not its true value in money.

Section 5542-7. SECTION 105. The commission forthwith after such valuation is made, shall certify to the auditors of the proper counties, the valuations of the shares of, and property representing capital employed by banks situated in such counties, which valuation shall be placed upon the proper tax duplicate.

Section 5542-8. SECTION 106. Each county auditor, on or before the Quadrennial report of county auditors. first Monday of November, 1910, and every fourth year thereafter, shall make and transmit to the commission an abstract of the real property of each taxing district in his county, in which he shall set forth the value thereof as returned by the assessors, with such additions as have been made thereto.

Section 5542-9. SECTION 107. The commission shall, on or before the first day of April following, determine whether the real property of the several counties, cities, villages and taxing districts in the state shall have been assessed at its true value in money, and if, in the opinion of the said commission, the real property which any county, city, village or taxing district in the state, as reported by the said auditors to said commission, is not on the duplicate at its true value in money, the said commission may increase or decrease the valuation in such county, city, village or taxing district by such rate of per cent. or by such amount as will place said property on the duplicate at its true value in money.

Section 5542-10. SECTION 108. When the commission has determined the true value of the real property in the several taxing districts the commission shall transmit to each county auditor a statement of the amount to be added or deducted from the valuation of the real property of each taxing district in his county, specifying the amount to be added to or deducted from the valuation of the real property of each of the several taxing districts. The county auditor shall forthwith add to or deduct from each tract or lot of real property in his county, the required per cent. or amount on the valuation thereof, as it stands, after it has been equalized by the county and city boards of equalization, adding or deducting, in each case, any sum less than five dollars, so that the value of any separate tract or lot shall be ten dollars or some multiple thereof.

Section 5542-11. SECTION 109. The commission shall cause to be pre-

pared suitable blanks for carrying out the purposes of this act, and shall, when necessary, furnish such blanks to each public utility, company, corporation, association, or individual, subject thereto. **Blanks.**

Section 5542-12 SECTION 110. Any officer, agent or employe of any public utility, company, corporation or association subject to the provisions of this act who shall fail or refuse to fill out and return any blanks as required by this act, or shall fail or refuse to answer any questions therein propounded, or shall knowingly or wilfully give a false answer to any such question where the fact inquired of is within his knowledge or who shall, upon proper demand, fail or refuse to exhibit to the commission or any commissioner or any person authorized to examine the same, any book, paper, account, record or memoranda of such public utility, which is in his possession or under his control, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than one thousand dollars for each offense. **Penalty.**

And a penalty of not less than five hundred dollars nor more than one thousand dollars shall be recovered from the public utility for each such offense when such officer or agent or employe acted in obedience to the direction, instruction or request of such public utility, company, corporation or association or any general officer thereof.

Section 5542-13 SECTION 111. Whoever violates any provision of this act, or neglects or refuses to perform any duty herein required, for which a penalty has not otherwise been provided, or neglects or refuses to obey any lawful requirement or order made by the commission, for every such violation, failure or refusal shall be fined not less than twenty-five dollars nor more than one thousand dollars for each offense. In constructing and enforcing the provisions of this section the act, omission or failure of any officer, agent or other person acting for or employed by any public utility, company, corporation or association acting within the scope of his employment shall in every case be deemed to be the act, omission or failure of such public utility, company, corporation or association. **Penalty.**

Section 5542-14 SECTION 112. Whoever, being a member of the commission, or an assessor or a member of a county board of equalization, or a person whose duty it is to list, value, assess or equalize real or personal property for taxation, shall knowingly or wilfully fail to list or return for assessment or valuation any real estate or personal property, or knowingly or wilfully lists or returns for assessment or valuation any real or personal property at any other than its true value in money, or shall wilfully or knowingly fail to equalize any real or personal property according to its true value in money, shall be fined not less than fifty dollars nor more than five hundred dollars and in **Penalty.**

addition thereto, if he be an officer, shall forfeit his office or position.

Section 5542-15 SECTION 113. Every day during which any public utility, company, corporation, association, officer, or individual subject to the provisions of this act, or any officer, agent or employe thereof shall wilfully fail to observe and comply with any order or direction of the commission or to perform any duty enjoined by this act, shall constitute a separate and distinct offense.

Section 5542-16 SECTION 114. If any public utility, company, corporation or association, subject to the provisions of this act, fails or refuses to make out and deliver to the commission any statement required by this act, or furnish the Information. the commission with any information requested, the commission shall inform itself as best it may on the matters necessary to be known in order to discharge its duties under this act.

Section 5542-17 SECTION 115. All powers, duties and privileges imposed and conferred upon any state board, which board is by this act abolished or its powers and duties in whole or in part conferred upon this commission, or any power or duty which has heretofore been conferred upon any state or county officer or board, which power and duty is hereby conferred upon the commission, is hereby imposed and conferred upon the commission created by this act; provided, that the powers and duties so transferred by this act shall continue to be exercised under existing laws until such time as the commission hereby created has been appointed and qualified; provided further that the auditor of state, treasurer of state, attorney general and secretary of state shall constitute a Board of appraisers and assessors. with the power to appoint boards of review in municipalities as provided in sections fifty-six hundred and eighteen to fifty-six hundred and twenty-four inclusive of the General Code.

Section 5542-18 SECTION 116. The commission shall whenever called upon by any officer, board or commission now existing or hereafter created, of the state or any political division thereof, furnish any data or information to such officer, board or commission, and shall so far as possible aid and assist such officer, board or commission in performing the duties of his or its office. All state, county and local officers shall make and forward to the commission upon its Transcripts. written order, such transcripts of records, or parts thereof and other information on file in their respective offices or in their possession, as are deemed necessary by the commission to properly and effectually carry into operation the provisions of this act.

Section 5542-19 SECTION 117. Each section of this act and every part of each section is hereby declared to be independent sections and parts of sections and the holding of any section or part thereof to be void or ineffective for any cause shall

not be deemed to affect any other section or any part thereof.

ction 5542-20 SECTION 118. Every order or notice provided for in this act, shall be served upon every person or corporation to be affected thereby, either by personal delivery of a certified copy thereof, or by mailing a certified copy thereof by registered mail, to the person to be affected thereby, or in the case of a corporation, to any officer or agent thereof upon whom a summons may be served. Within the time specified in the order of the commission every person or corporation upon whom it is served if so required in the order shall notify the commission in like manner whether the terms of the order are accepted and will be obeyed. Service of notice.

ction 5542-21 SECTION 119. No injunction shall issue suspending or staying any order of the commission, except upon application to the court or a judge thereof, and upon notice to the commission and a hearing. Injunction.

ction 5542-22 SECTION 120. In addition to the other remedies provided by this act for the prevention and punishment of any violation of the provisions hereof and all orders of the commission, the commission may compel compliance with the provisions of this act and of the orders of the commission, by proceedings in mandamus, injunction or by other appropriate civil remedies. Mandamus.

ction 5542-23 SECTION 121. The term "public utility" as used in this act means and embraces each corporation, company, firm, individual, and association, their lessees, trustees, or receivers elected or appointed by any authority whatsoever, and in this act referred to as express company, telephone company, telegraph company, sleeping car company, freight line company, equipment company, electric light company, gas company, natural gas company, pipe line company, waterworks company, messenger company, signal company, messenger or signal company, union depot company, water transportation company, heating company, cooling company, street railroad company, railroad company, suburban railroad company, and inter-urban railroad company, and such term "public utility" shall include any plant or property owned or operated, or both, by any of such companies, corporations, firms, individuals or associations. "Public utility" defined.

ction 5542-24 SECTION 122. The commission shall annually on or before the fifteenth day of December, make and deliver to the governor, a full report of the operation and execution of all laws which it is herein required to administer, one thousand copies of which shall be printed in book form for the use of the general assembly and the public. The board shall report to the governor and general assembly its recommendations of such changes and alterations as in its opinion should be made in the tax laws of this state. Annual report.

SECTION 123. That said original sections 258, 5415

to 5431 inclusive, 5445 to 5542 inclusive and 5602 to 5617 inclusive, of the General Code, be and the same are hereby repealed. This act shall in no manner affect existing causes of action or pending actions, proceedings or prosecutions. This act shall take effect and be in force on and after July 1st, 1910, but the commission may be appointed and organize before said date as provided in sections one to ten inclusive of this act.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

The sectional
 numbers on the
 margin hereof
 are designated
 as provided by
 law.
 U. G. DENMAN,
Attorney General.

This bill was presented to the governor May 11th, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state May 24, 1910.

JOHN W. DEVANNEY,
Veto Clerk.
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[Senate Bill No. 4.]

AN ACT

To secure an equitable valuation of property for taxation by limiting the tax rate, limiting the power to issue bonds, removing certain penalties for improper valuation and amending certain sections of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

Section 5649-1. SECTION 1. In any taxing district, the taxing authority shall levy a tax sufficient to provide for sinking fund and interest purposes.

Section 5649-2. SECTION 2. The maximum rate of taxes that may be levied for all purposes, by the taxing authorities of any taxing district, upon the taxable property therein, shall not in any one year exceed ten mills on each dollar of the tax valuation of the taxable property of such district, for that year, including the taxes levied under authority of section 1 of this act. If in any year such rate of ten mills will not produce an amount equal to the aggregate amount of taxes levied in such district in the year 1909, plus six per cent. thereof for the year 1911, nine per cent. for the year 1912 and twelve per cent. thereof for any year thereafter, and exclusive of any additional amount authorized for sinking fund purposes, or under the provisions of section five of this act, or emergencies as provided for in section forty-four hundred and fifty, forty-four hundred and fifty-one, fifty-six hundred and twenty-nine and seventy-four hundred and nineteen of the General Code, such rate

may be increased to the extent necessary to produce such aggregate amount, but in no case to exceed fifteen mills $1\frac{1}{2}\%$ limit. exclusive of levies for sinking fund and interest purposes.

ction 5649-3.

SECTION 3. The maximum rate of taxation in any taxing district for any purpose, as now fixed, shall be and is hereby changed so that such maximum rate, as levied on the total valuation of all taxable property in the taxing district in each of the years 1911 and 1912 and any year thereafter would produce no greater amount of taxes, than the present maximum rate for such purpose, if levied on the total valuation of all the taxable property therein for the year 1909, would produce, plus the additions herein provided for. Any minimum rate required by law to be levied for any purpose, is hereby reduced in like proportion that the maximum rate is herein reduced. The intent and purpose of this act is to provide that an increase in the total valuation of all taxable property in the several taxing districts, shall not increase the total amount of taxes now levied therein, except to the amount of the additions herein provided for, but nothing herein shall prevent the levying of an aggregate tax of ten mills in any district.

Intent and purpose of this act.

section 5649-4.

SECTION 4. For the emergencies mentioned in sections forty-four hundred and fifty, forty-four hundred and fifty-one, fifty-six hundred and twenty-nine and seventy-four hundred and nineteen of the General Code, the taxing authorities of any district may levy a tax sufficient to provide therefor, irrespective of any of the limitations of this act.

Emergencies.

Section 5649-5.

SECTION 5. If in any one year, in any taxing district, the aggregate amount of taxes authorized by section two of this act is insufficient, a greater tax may be levied in such taxing district for any purpose for which such taxing district is authorized to levy taxes, if the proposition to make such additional levy shall first be submitted to the electors of such taxing district. The submission of such question to the electors shall be at the next general election after an ordinance or order for such purpose takes effect, if there be such an election within ninety days thereafter. In case no general election takes place within such period, such question may be submitted at a special election in the manner provided by sections thirty-nine hundred and forty-nine to thirty-nine fifty-two of the General Code, inclusive, so far as they may be applicable. Such increased levy may be made if a majority of the votes cast on the question at such election are in favor thereof. The form of the ballots cast at such election shall be:

Vote on "additional tax."

For an additional tax of.....dollars for the purpose of.....yes.

For an additional tax of.....dollars for the purpose of.....no.

Section 5649-6.

SECTION 6. Whenever two or more taxing districts

Consolidated districts.

are consolidated by annexation or otherwise, the aggregate amount of taxes authorized under section two of this act, for such consolidated district shall not exceed the sum of the aggregate amounts which would have been authorized for all of said taxing districts separately.

SECTION 7. That sections thirty-nine hundred and forty-two, thirty-nine hundred and forty-five, thirty-nine hundred and forty-eight and thirty-nine hundred and fifty-four of the General Code be amended to read as follows:

2½% limit.

Sec. 3942. The net indebtedness incurred by any township or municipal corporation for the purposes mentioned in sections thirty-two hundred and ninety-five and thirty-nine hundred and thirty-nine of the General Code shall never exceed two and one-half per cent. of the total value of all the property in such corporation or township, as listed and assessed for taxation, unless the excess of such amount is authorized by vote of the qualified electors of the township or corporation in the manner hereinafter provided.

Bond provision.

Sec. 3945. Such limitation of one per cent. and two and one-half per cent. hereinbefore prescribed shall not affect bonds lawfully issued for such purposes upon the approval of the electors of the township or corporation.

Sec. 3948. Before any bonds in excess of such limitations of one per cent. and two and one-half per cent. are issued and tax levied, the question of issuing them shall be submitted to the voters of the township or corporation at a general or special election.

5% limit.

Sec. 3954. No municipal corporation or township shall create or incur a net indebtedness under the authority of this chapter in excess of five per cent. of the total value of all the property in such township or corporation as listed and assessed for taxation. Bonds issued in good faith for such purposes, which at the time of issue were within the limitations existing at the time of such issue, shall be valid obligations of the township or municipal corporation which issued them. In ascertaining the limitations of such five per cent. and of such two and one-half per cent., all such bonds shall be considered, except those specifically excluded by section thirty-nine hundred and forty-six of the General Code.

SECTION 8. That sections 5398, 5399, 5400, 5401 and 5402 of the General Code be amended so as to read as follows:

False return.

Sec. 5398. If a person required to list property or make a return thereof for taxation, either to the assessor or the county auditor, in the year 1911 or in any year thereafter makes a false return or statement, or evades making a return or statement, the county auditor for each year shall ascertain as near as practicable, the true amount of personal property, moneys, credits, and investments that such person ought to have returned or listed for the

year 1911 or for any year thereafter for which the inquiries and corrections provided for in this chapter are made. To the amount so ascertained as omitted for each year he shall add fifty per cent., multiply the omitted sum or sums, as increased by said penalty by the rate of taxation belonging to said year or years, and accordingly enter the amount on the tax lists in his office, giving a certificate therefor to the county treasurer who shall collect it as other taxes. Penalty.

Sec. 5399. If any person required to list property, or make a return thereof for taxation to the assessor or county auditor, or to a board, officer, or person, other than a board composed of officers of more than one county, in the year nineteen hundred and eleven, or in any year or years thereafter fails to make a return or statement, or if such person makes a return or statement of only a portion of his taxable property, and fails to make a return as to the remainder thereof, or if he fails to return his taxable property or part thereof, according to the true value thereof in money, as provided by law, the county auditor for each year as to such property omitted and as to property not returned or taxed according to its true value in money, shall ascertain as near as practicable the true amount of personal property, moneys, credits and investments that such person ought to have returned or listed, and the true value at which it should have been taxed in his county for not exceeding the five years next preceding the year in which the inquiries and corrections provided for in this section and in the next preceding and the next two succeeding sections are made and not in any event prior to the year nineteen hundred and eleven, and multiply the omitted sum or sums by the rate of taxation belonging to said year or years, and accordingly enter the amount on the tax lists in his office, giving a certificate therefor to the county treasurer, who shall collect it as other taxes. The term "personal property" as used in this section shall apply to all kinds of omitted property for the taxation of which, for any of the years in which it was omitted, provision has not been made by law. Omission.

Sec. 5400. The power and duty of the county auditor under the provisions of the next preceding section, shall extend to all cases where property, taxable within his county, has for any reasons not been assessed and taxed according to its true value in money, as provided by law, except that where provision is made by law for the appraisement and assessment of property by a board composed of officers of more than one county, and such property or part thereof has escaped taxation, the duties provided in such section shall be performed by such board. The board, at any subsequent meeting, may appraise and assess such omitted property for the year or years so omitted, and certify its assessment to the proper officer or officers to be placed upon the tax lists of the "Personal property" defined.

Assessment by board.

proper county or counties for the collection of omitted taxes thereon in a like manner as current assessments are certified by said board, and such officer or officers shall give a certificate therefor to the county treasure, as in other cases.

Sec. 5401. The county auditor, if he shall have reason to believe, or is informed that a person has in the year nineteen hundred and eleven or in any year thereafter, given to the assessor a false statement of the personal property, moneys, or credits, investments in bonds, stocks, joint stock companies, or otherwise, that the assessor has not returned the full amount required to be listed in his ward or township, or has omitted or made an erroneous return of property, moneys, or credits, investments in bonds, stocks, joint stock companies, or otherwise, which are by law subject to taxation, shall proceed, in said year nineteen hundred and eleven or in any year thereafter at any time before the final settlement with the county treasurer to correct the return of the assessor, and charge such persons on the duplicate with the proper amount of taxes. To enable him so to do, he may issue compulsory process, and require the attendance of any persons whom he thinks have knowledge of the articles, or value of the personal property, money or credits, investment in bonds, stocks, joint stock companies, or otherwise, and examine such persons, on oath, in relation to such statement or return. The auditor, in all such cases, shall notify every such person, before making the entry on the tax list and duplicate, that he may have an opportunity of showing that his statement or the return of the assessor was correct. The auditor, in all such cases shall file in his office a statement of the facts or evidence upon which he made such correction; but, he shall not reduce the amount returned by the assessor, without the written assent of the auditor of state, given on a statement of facts submitted by the county auditor.

Corrections in
return of
assessor.

Notice by
auditor.

Costs and ex-
penses, how
paid.

Sec. 5402. If a person makes a false statement of the amount of property for taxation, to wholly or partially evade the payment of taxes, he shall pay all costs and expenses that may be incurred under the provisions of the next preceding section, and like fees and costs shall be allowed and paid as are allowed by law, for similar services, and if not paid, may be collected before any justice of the peace of the proper county, by suit in the name of the county commissioners. In all cases under such section, where the statement is found correct, and no intention to evade the payment of taxes appears, the costs and expenses incurred shall be paid out of the county treasury of the proper county, on the order of the county auditor.

Exception.

SECTION 9. The provisions of this act shall not apply to the levy or collection of taxes for the year nineteen ten or to the assessment of personal property for taxation for the year 1910.

SECTION 10. That said original sections 3942, 3945, 3948, 3954, 5398, 5399, 5400, 5401 and 5402 of the General Code, and all acts or parts of acts in conflict herewith be and the same are hereby repealed.

SECTION 11. This act shall take effect and be in force from and after January 1, 1911.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Passed May 10, 1910.

The sectional
numbers on the
margin hereof
are designated
as provided by
law.
U. G. DENMAN,
*Attorney
General.*

This bill was presented to the governor May 11, 1910, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state May 24, 1910.

JOHN W. DEVANNEY,
Veto Clerk.
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JOINT RESOLUTIONS

[Senate Joint Resolution No. 1.]

JOINT RESOLUTION

Authorizing a committee to wait upon the governor.

Be it resolved by the General Assembly of the State of Ohio:

That a committee of four on the part of the senate and four on the part of the house of representatives, be appointed to wait upon the governor and inform him that the general assembly is organized and ready to receive any communication he may desire to submit.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

NATION O. MATHER,
President pro tem. of the Senate.

Adopted January 7th, 1910.

1.

[Senate Joint Resolution No. 2.]

JOINT RESOLUTION

Authorizing a joint committee on consolidated laws.

Be it resolved by the General Assembly of the State of Ohio:

That there be appointed in each house seven select committees, to be known respectively as code committees number one, two, three, four, five, six and seven.

That the chairmen of said committees in each house shall constitute a joint committee to be known as the joint committee on consolidated laws.

That the report of the codifying commission shall be referred to said joint committee and by it divided into appropriate sections and assigned to the code committees of the senate and house of representatives for the purpose only of proof reading, and comparison with original sources.

That the code committees shall respectively note and report in writing every material change, error or omission which may be found, and such reports shall be referred forthwith and without debate to the joint committees on consolidated laws.

That any bill or bills involving the codification of laws and based on the report of the codifying commission shall originate with the joint committee on consolidated laws.

That no amendment to the report of the codifying commission or

bills resulting therefrom shall be considered either in committee or by the senate or house of representatives, except such as pertain to and are consistent with the purpose of codification.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

NATION O. MATHER,
President pro tem. of the Senate.

Adopted January 7th, 1910.

2.

[Senate Joint Resolution No. 3.]

JOINT RESOLUTION

Limiting the introduction of bills.

Be it resolved by the General Assembly of the State of Ohio:

That prior to Monday, January 24th, 1910, no bill shall be introduced in either the senate or the house of representatives, except the same shall be introduced as a report of the committee on rules or the finance committee of either house.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

NATION O. MATHER,
President pro tem. of the Senate.

Adopted January 7th, 1910.

3.

[Senate Joint Resolution No. 4.]

JOINT RESOLUTION

Authorizing the appointment of a joint committee to investigate the alleged charges of irregularities in state departments.

WHEREAS, It has been published in the press of the state and by statement given to said press by the governor, attorney general and other state officials that irregularities have occurred with reference to the handling of the state funds and that certain officials have not devoted their entire time to the duties of their several offices, and that certain state lands and properties have been encroached upon by railways, corporations, and individuals without authority; therefore,

Be it resolved by the General Assembly of the State of Ohio:

That a committee of four be appointed, consisting of two members on the part of the senate, to be appointed by the president of the senate, and two members on the part of the house, to be appointed by the speaker of the house, (one from each of the two political parties) to inquire into and investigate such charges, so made, respecting the truth thereof, and

That such committee be given power to send for persons and papers

and to have access to all the departments of the state house or those departments having offices in rented buildings in the city of Columbus in the state of Ohio, employ a stenographer and not to exceed two expert accountants, and to fully report their evidence and findings to the general assembly at the present session and before the final adjournment of said general assembly, for its information, and

That said committee shall not receive any compensation, but the stenographer shall be paid five dollars per day and the expert accountants ten dollars per day for the time actually employed.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

NATION O. MATHER,
President pro tem. of the Senate.

Adopted January 7th, 1910.

4.

[Amended Senate Joint Resolution No. 5.]

JOINT RESOLUTION

Directing the clerk of the senate and the clerk of the house of representatives to have printed in pamphlet form a list of the members and standing committees of the two houses.

Be it resolved by the General Assembly of the State of Ohio:

That the clerk of the senate and the clerk of the house of representatives are hereby directed to have printed in pamphlet form a list of the members of the senate and house, together with a list of the standing committees, and the select committees on code of each house, and state what pages of the codifying commissioners' report is being compared by each select committee, and the joint committee on consolidated laws of the two houses, 500 copies for the use of the senate and 1,500 for the use of the house of representatives.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

FRANCIS W. TREADWAY,
President of the Senate.

Adopted January 19th, 1910.

5.

[Senate Joint Resolution No. 6.]

JOINT RESOLUTION

Providing for the distribution of the report of the codifying commission.

WHEREAS, There are a number of copies of the report of the codifying commission that have not been distributed, and yet remain in the possession of the said commission, therefore,

Be it resolved by the General Assembly of the State of Ohio:

That the codifying commission be instructed to deliver to the secretary of state all copies of their report now remaining, and that the

secretary of state be authorized and instructed to send two copies each to the clerk of courts of Cuyahoga, Hamilton, Franklin, Lucas, Montgomery, Stark, Summit, Clark and Mahoning counties, and one copy of said report to the clerk of courts of each of the remaining counties of Ohio.

In each of the counties of the state where there is a law library for the free use thereof to public officials and attorneys the clerk shall deliver the copy or copies so received to the law librarian, and in all other counties the clerk shall place said copy or copies in the law library at the court house.

The remaining copies shall be distributed, or kept in the office of the secretary of state, upon the written order of the chairman and secretary of the joint committee on consolidated laws.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Adopted January 19th, 1910.

6.

[Senate Joint Resolution No. 7.]

JOINT RESOLUTION

To provide for an investigation of the purchase, storage, sale and traffic of and in food products, food commodities and food supplies and of the causes of the prices of such products, commodities and supplies.

Be it resolved by the General Assembly of the State of Ohio: ..

That a joint select committee be appointed, consisting of two members of the senate of opposite political party faith, to be named by the president of the senate, and two members of the house of representatives, of opposite political party faith, to be named by the speaker of the house, with full power and authority to investigate the purchase, storage, barter, sale and traffic by persons, firms, associations and corporations of and in food products, food commodities and articles, and food supplies; to investigate any and all agreements, understandings and arrangements of, between and among persons, firms and corporations, or combination of the same, with respect to the purchase, storage, barter, sale, traffic or other dealing in such products, commodities, articles and supplies and affecting or tending to affect the prices or transportation of such products, commodities, articles and supplies; and, generally, to investigate the cause or causes of advances in the prices and the present prices of such products, commodities, articles and supplies; and, Be it further

Resolved, That said committee shall have the power to compel the production before it of any books, records, papers, letters and any other written or printed evidence of any character, which in the judgment of the committee or a majority thereof pertains to any matter or thing under investigation and wherever found, and to examine the same; and also to compel the attendance of witnesses and require them to testify. Said committee may hold its meetings in any place designated by it in the state of Ohio and shall have all the powers conferred

upon legislative committees by chapter three (3) title two (2) of the Revised Statutes of Ohio and by other laws of the state; and, Be it further

Resolved, That said committee be authorized to employ a stenographer, a counsel and such other assistants as it may deem necessary for the proper conduct of such investigation and it shall make written report of its findings, with a full transcript of the testimony taken by it, to the general assembly at its present session; and therewith shall report any recommendations for additional legislation which may seem desirable.

The expense incurred by said committee shall be paid upon proper voucher signed by the chairman thereof.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Adopted January 19th, 1910.

7.

[House Joint Resolution No. 2.]

JOINT RESOLUTION

Requesting congress to establish a bureau of mines.

WHEREAS, The number and character of serious accidents occurring in the best equipped mines in various states makes it evident that many years of research and educational work on the part of the general government will be necessary to enable the several states to meet by appropriate legislation the requirement that better protection shall be provided for its industrial workers; and,

WHEREAS, A bill is now pending in congress providing for the creation of a national bureau of mines charged with the duty of conducting such technologic investigations as will increase safety and efficiency in mining, now, therefore.

Be it resolved by the General Assembly of the State of Ohio:

That the congress of the United States is hereby urgently requested to enact at the earliest date possible the necessary legislation for establishing this bureau of mines and that the congressmen and senators from Ohio be furnished with a copy of this joint resolution and urged to use their best endeavors to secure the passage of said bill at the present session of congress.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
NATION O. MATHER,
President of the Senate.

Approved Jan. 21st, 1910.

8

[House Joint Resolution No. 5.]

JOINT RESOLUTION

Relative to printing 1,000 additional copies of S. J. R. No. 7, by Mr. Beatty.

Be it resolved by the General Assembly of the State of Ohio:

That one thousand (1000) additional copies of senate joint resolution number 7, by Mr. Beatty, "To provide for an investigation of the purchase, storage, sale and traffic of and in food products, food commodities, and food supplies, and of the causes of the prices of such products, commodities and supplies," be printed for the use of the joint committee appointed under said resolution.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Approved Jany. 31st, 1910.

9.

[Senate Joint Resolution No. 12.]

JOINT RESOLUTION

Providing for adjournment of the general assembly from January 24th to January 31st.

Be it resolved by the General Assembly of the State of Ohio:

That when the house and senate adjourn on Monday, January 24th, it be to meet Monday, January 31st, at 1:30 o'clock p. m..

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Adopted, January 31st, 1910.

10.

[House Joint Resolution No. 8.]

JOINT RESOLUTION

Relative to the printing of additional copies of House Bill No. 54, and House Bill No. 68; also Senate Bills No. 3, No. 4 and No. 5.

Be it resolved by the General Assembly of the State of Ohio:

That there be printed for the use of the senate and house of representatives two thousand five hundred additional copies each of house bill No. 54 and house bill No. 68: also twenty-five hundred copies of the following bills:

Senate bill No. 3 Mr. Alsdorf. To create the Ohio state tax commission, define its powers and duties, and repeal certain sections herein named.

Senate bill No. 4 Mr. Alsdorf. To secure an equitable valuation of property for taxation by limiting the tax rate, limiting the power to issue bonds, removing certain penalties for improper valuation and amending certain sections of the General Code.

Senate bill No. 5 Mr. Alsdorf. To create a board of administration for the institutions of the state named herein, and to repeal certain sections of the General Code.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.

NATION O. MATHER,
President pro tem. of the Senate.

Adopted, February 1st, 1910.

11.

[Senate Joint Resolution No. 14.]

JOINT RESOLUTION

Providing for the printing of 600 copies of the corrections made to the report the codifying commission.

Be it resolved by the General Assembly of the State of Ohio:

That 600 copies of the corrections made to the report of the codifying commission by the joint committee on consolidated laws be printed for the use of members of the general assembly, and that the clerk of the senate and the clerk of the house of representatives are hereby directed to place a copy of the report in each senate bill book belonging to the senators and in each house bill book belonging to the members of the house of representatives.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Adopted February 10th, 1910.

12.

[House Joint Resolution No. 9.]

JOINT RESOLUTION

Providing for the annotation and indexing of "The General Code."

Be it resolved by the General Assembly of the State of Ohio:

That the joint committee on consolidated laws is hereby authorized and empowered to employ not more than three competent persons to prepare a complete historical annotations and an index to "The General Code", and such persons so employed shall have such a number of clerks, assistants and stenographers as the joint committee shall deem necessary for the work.

The persons so employed shall first prepare a complete index and then the annotations if in the opinion of the committee they have sufficient time to complete the same.

The persons so employed shall complete their work on or before the first day of April, 1910.

The joint committee shall have the power to discharge any one so employed for incompetency or neglect of duty.

The joint committee is further authorized to receive and accept

Consolidated
districts.

are consolidated by annexation or otherwise, the aggregate amount of taxes authorized under section two of this act, for such consolidated district shall not exceed the sum of the aggregate amounts which would have been authorized for all of said taxing districts separately.

SECTION 7. That sections thirty-nine hundred and forty-two, thirty-nine hundred and forty-five, thirty-nine hundred and forty-eight and thirty-nine hundred and fifty-four of the General Code be amended to read as follows:

2½% limit.

Sec. 3942. The net indebtedness incurred by any township or municipal corporation for the purposes mentioned in sections thirty-two hundred and ninety-five and thirty-nine hundred and thirty-nine of the General Code shall never exceed two and one-half per cent. of the total value of all the property in such corporation or township, as listed and assessed for taxation, unless the excess of such amount is authorized by vote of the qualified electors of the township or corporation in the manner hereinafter provided.

Bond pro-
vision.

Sec. 3945. Such limitation of one per cent. and two and one-half per cent. hereinbefore prescribed shall not affect bonds lawfully issued for such purposes upon the approval of the electors of the township or corporation.

Sec. 3948. Before any bonds in excess of such limitations of one per cent. and two and one-half per cent. are issued and tax levied, the question of issuing them shall be submitted to the voters of the township or corporation at a general or special election.

5% limit.

Sec. 3954. No municipal corporation or township shall create or incur a net indebtedness under the authority of this chapter in excess of five per cent. of the total value of all the property in such township or corporation as listed and assessed for taxation. Bonds issued in good faith for such purposes, which at the time of issue were within the limitations existing at the time of such issue, shall be valid obligations of the township or municipal corporation which issued them. In ascertaining the limitations of such five per cent. and of such two and one-half per cent., all such bonds shall be considered, except those specifically excluded by section thirty-nine hundred and forty-six of the General Code.

SECTION 8. That sections 5398, 5399, 5400, 5401 and 5402 of the General Code be amended so as to read as follows:

False return.

Sec. 5398. If a person required to list property or make a return thereof for taxation, either to the assessor or the county auditor, in the year 1911 or in any year thereafter makes a false return or statement, or evades making a return or statement, the county auditor for each year shall ascertain as near as practicable, the true amount of personal property, moneys, credits, and investments that such person ought to have returned or listed for the

year 1911 or for any year thereafter for which the inquiries and corrections provided for in this chapter are made. To the amount so ascertained as omitted for each year he shall add fifty per cent., multiply the omitted sum or sums, as increased by said penalty by the rate of taxation belonging to said year or years, and accordingly enter the amount on the tax lists in his office, giving a certificate therefor to the county treasurer who shall collect it as other taxes. Penalty.

Sec. 5399. If any person required to list property, or make a return thereof for taxation to the assessor or county auditor, or to a board, officer, or person, other than a board composed of officers of more than one county, in the year nineteen hundred and eleven, or in any year or years thereafter fails to make a return or statement, or if such person makes a return or statement of only a portion of his taxable property, and fails to make a return as to the remainder thereof, or if he fails to return his taxable property or part thereof, according to the true value thereof in money, as provided by law, the county auditor for each year as to such property omitted and as to property not returned or taxed according to its true value in money, shall ascertain as near as practicable the true amount of personal property, moneys, credits and investments that such person ought to have returned or listed, and the true value at which it should have been taxed in his county for not exceeding the five years next preceding the year in which the inquiries and corrections provided for in this section and in the next preceding and the next two succeeding sections are made and not in any event prior to the year nineteen hundred and eleven, and multiply the omitted sum or sums by the rate of taxation belonging to said year or years, and accordingly enter the amount on the tax lists in his office, giving a certificate therefor to the county treasurer, who shall collect it as other taxes. The term "personal property" as used in this section shall apply to all kinds of omitted property for the taxation of which, for any of the years in which it was omitted, provision has not been made by law. Omission.

Sec. 5400. The power and duty of the county auditor under the provisions of the next preceding section, shall extend to all cases where property, taxable within his county, has for any reasons not been assessed and taxed according to its true value in money, as provided by law, except that where provision is made by law for the appraisement and assessment of property by a board composed of officers of more than one county, and such property or part thereof has escaped taxation, the duties provided in such section shall be performed by such board. The board, at any subsequent meeting, may appraise and assess such omitted property for the year or years so omitted, and certify its assessment to the proper officer or officers to be placed upon the tax lists of the "Personal property" defined.

Assessment by board.

lars, shall be paid upon the order of the chairman from the fund appropriated for expenses of legislative committees.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Adopted February 14th, 1910.

14.

[Senate Joint Resolution No. 15.]

JOINT RESOLUTION

Authorizing the printing of 600 copies of enrolled senate bill No. 2 and the distribution thereof.

Be it resolved by the General Assembly of the State of Ohio:

That 600 copies of enrolled senate bill No. 2 "The General Code" be printed and bound in unglazed buckram, each copy to be bound in three volumes and each volume at the end thereof to contain the tables heretofore printed in the report of the codifying commission and each page also to have side notes.

That the volume when printed shall be delivered to the secretary of state and by him distributed as follows:

One copy to each of the members of the general assembly, five copies to each of the chief clerks, one copy to the engrossing and enrolling clerks of each branch.

One copy to each of the judges of the circuit, superior and common pleas courts.

Six copies to the codifying commission.

One copy to each county prosecuting attorney, one copy to each clerk of courts.

One copy to the Weekly Law Bulletin, Norwalk, Ohio, one copy to the Law Reporter, Cincinnati, Ohio.

That the copies remaining in the hands of the secretary of state be distributed upon the order of the joint committee on consolidated laws.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Adopted February 14th, 1910.

15.

[Senate Joint Resolution No. 19.]

JOINT RESOLUTION

Directing the joint committee appointed under senate joint resolution No. 4 to turn over to the prosecuting attorney of Franklin county a copy of the testimony obtained at its hearings.

WHEREAS, Witnesses before the joint legislative committee appointed under senate joint resolution No. 4, have testified that certain

state officials or ex-officials, and persons holding, or who have held places of public trust have committed irregularities in the administration of the duties of their respective offices and places, and have misappropriated public money and committed divers offenses against the laws of Ohio; and

WHEREAS, It is to the best interest of the people of Ohio, and to the proper administration of justice that persons guilty of such offenses shall be speedily brought to trial; and

WHEREAS, It has been brought to the attention of members of the general assembly, that Karl T. Webber, prosecuting attorney of Franklin county, has begun an investigation; and has this day addressed a letter to said legislative committee requesting the names, and a copy of the testimony, of all witnesses who have testified before said committee in said investigation; and,

WHEREAS, The general assembly recognizing that the apprehension, prosecution and conviction of such offenders rests with the prosecuting attorneys, grand juries and the courts of the state, therefore

Be it resolved by the General Assembly of the State of Ohio:

That said joint legislative committee be and it is hereby instructed to turn over to said Karl T. Webber, prosecuting attorney of Franklin county, the names of witnesses and a copy of the testimony obtained by said committee in its said hearing.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Adopted, February 24th, 1910.

16.

[House Joint Resolution No. 15.]

JOINT RESOLUTION

To pay to Miss Frances Bell Jones, daughter of the late John Paul Jones, deceased, the salary due her father on his unexpired term.

Be it resolved by the General Assembly of the State of Ohio:

That the speaker be and is hereby directed to issue his warrant upon the auditor of state in favor of Miss Frances Bell Jones, daughter of John Paul Jones, late deceased member of this body, for the amount of salary due for his unexpired term.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Adopted February 22nd, 1910.

17.

[Senate Joint Resolution No. 10.]

JOINT RESOLUTION

Directing the attorney general to make inquiry into alleged violations of the laws by certain railroad companies.

WHEREAS, The congress of the United States by joint resolution approved March 7, 1906, directed the Interstate Commerce Commission to make investigation into the subject of railroad discrimination and monopolies in coal and oil; and

WHEREAS, The said Interstate Commerce Commission, acting in pursuance of said resolution of congress, at a meeting begun in the city of Columbus, Ohio, March 18, 1909, made inquiry and investigation into said subjects set out in said resolution as related to conditions within the state of Ohio; and

WHEREAS, Said commission in its report to congress of its said Ohio investigation, of date May 10, 1909, among other things, disclosed that certain railroads, to-wit: the Toledo and Ohio Central Railway, the Zanesville and Western Railway, and the Kanawha and Michigan Railway are controlled through stock ownership or otherwise by the Hocking Valley Railway Company, a parallel and competing line of each of said railways, all of which said railway companies hold their privileges and derive their authority from the people of Ohio; and further, that said the Hocking Valley Railway Company is controlled by the community of interests known as "Trunk Line Syndicate," thus forming an absolute monopoly in the carrying trade in the Hocking district and adjacent territory; and

WHEREAS, It appears that such combination of interests or monopoly aforesaid is in violation of the statutes of the state of Ohio prohibiting combinations in restraint of trade, and forbidding railroads to hold stock in parallel and competing lines; and

WHEREAS, There has been much persistent and bitter complaint upon the part of shippers of this state, particularly coal operators, that the control and combination of these several railroad lines by a common interest has worked injuriously to the interests of the said coal operators, their fifty thousand employees and the dependent members of their families, and likewise has affected detrimentally the consuming public as well as resulting in discriminations against the material welfare of the people of Ohio; therefore,

Be it resolved by the General Assembly of the State of Ohio:

That the attorney general of the state of Ohio be, and he hereby is directed to make full investigation into the alleged monopoly aforesaid in violation of the laws of the state of Ohio; and, if, upon such investigation, it shall appear to the satisfaction of the attorney general that the said laws have been violated, he shall take such immediate and proper action as the statutes of this state warrant that the laws of Ohio be properly observed and such monopoly dissolved to the end that the injuries to the people of Ohio aforesaid resulting from the violation of the laws shall cease and that the discriminations alleged to be practiced shall be discontinued; and further that the attorney general be and he is hereby instructed to inquire into any other unlawful combinations of

railroads or railroad officers within this state whose practices are in restraint of trade, particularly that he investigate the nature, composition, purposes and practices of an organization known as the Ohio Coal Traffic Association, and that the said attorney general make report to the general assembly at as early a date as possible at the present session the result of his investigations hereby directed to be made into these several alleged unlawful combinations.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Adopted February 24th, 1910.

18.

[House Joint Resolution No. 12.]

JOINT RESOLUTION

Requesting the bureau of public accounting to prepare a schedule of fees for county officers.

WHEREAS, Under the ruling of the bureau of public accounting, a great many items of fees heretofore charged by county officers are not allowed to be charged, thereby leaving much work necessary to be performed by such officers without any compensation whatsoever, in consequence whereof the fee fund in many counties, especially the smaller ones, is inadequate to pay the salaries allowed by law, therefor,

Be it resolved by the General Assembly of the State of Ohio:

That, the bureau of public accounting is hereby requested to prepare a schedule of fees for the respective county officers, readjusting the same, so as to provide a reasonable fee for all service rendered by such officers; and report the same to the general assembly at its earliest convenience, and also recommend such legislation which in the opinion of said bureau ought to be passed to insure the prompt collection of fees so as to make each office self-supporting.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Adopted February 28, 1910.

19.

[House Joint Resolution No. 19.]

JOINT RESOLUTION

Tendering the use of the hall of the house of representatives to the governors of the several states for their conference to be held in December, 1910.

WHEREAS, The conference of the governors of the several states of the United States is to be held in December, 1910; and,

WHEREAS, The economic and educational value of such conference,

as well as the spirit of friendship promoted thereby is of national interest and importance; therefore

Be it resolved by the General Assembly of the State of Ohio:

That acting for and in behalf of all the people of the state of Ohio, the general assembly extends an earnest and cordial invitation to the governors of the several states to honor the state of Ohio with such conference. Be it further

Resolved, That the use of the hall of the house of representatives at Columbus, is hereby tendered for such conference, with the assurance to all who may attend that nothing will be left undone that tends to their comfort and convenience. Be it further

Resolved, That the secretary of state forward to each of the governors of the several states a copy of this resolution.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Adopted March 8th, 1910.

20.

[Senate Joint Resolution No. 21.]

JOINT RESOLUTION

Directing the joint committee appointed under senate joint resolution No. 4, to furnish the prosecuting attorney of Franklin county with the names of certain witnesses and a copy of the testimony obtained from them.

Be it resolved by the General Assembly of the State of Ohio:

That the joint legislative committee appointed under senate joint resolution No. 4 be and it hereby is instructed to turn over to the prosecuting attorney of Franklin county, Ohio, a copy of such further testimony and the names of such additional witnesses as said committee has obtained since the adoption of senate joint resolution No. 19.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Adopted March 8th, 1910.

21.

[House Joint Resolution No. 23.]

JOINT RESOLUTION

Relative to printing 2,000 additional copies of H. B. No. 424, Mr. Winters.

Be it resolved by the General Assembly of the State of Ohio:

That two thousand (2,000) additional copies of house bill No. 424, by Mr. Winters, to amend certain sections of the General Code, relating

to the powers and duties of the railroad commission of Ohio, be printed for the use of the members of the general assembly.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Adopted March 10th, 1910.

22.

[House Joint Resolution No. 22.]

JOINT RESOLUTION

Extending the time within which to make a report, to April 1st, 1910, of the committee appointed under S. J. R. No 11.

WHEREAS, The general assembly of the state of Ohio, has enacted senate joint resolution No. 11, by Mr. Phare, providing for an investigation into the canals, state property and other matters as set forth in said resolution, and that a committee be appointed as provided in said resolution to make investigation, and

WHEREAS, Said committee was to report on the 15th day of March, 1910, and

WHEREAS, Said committee has faithfully entered upon the discharge of its duties as provided in said resolution, and

WHEREAS, It will be impossible for said committee to make a report as provided in said resolution as to its investigation and findings, therefore

Be it resolved by the General Assembly of the State of Ohio:

That said committee as constituted and appointed under senate joint resolution No. 11 be hereby authorized and instructed to continue its investigation and report its findings on or before the first day of April, 1910.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Adopted March 15th, 1910.

23.

[House Joint Resolution No. 27.]

JOINT RESOLUTION

Calling upon the governor to prepare and transmit to the General Assembly information in regard to the occurrences referred to in his special recommendations of March 17th, 1910.

Be it resolved by the General Assembly of the State of Ohio:

That the governor be, and he is, hereby respectfully requested to prepare and promptly transmit to the senate and house of representa-

tives any and all information and evidence, of every kind and nature whatsoever, written or otherwise, in his possession, or that has come to his knowledge or attention, of any occurrences, apparently authentic or otherwise, at the present or former session of the general assembly, interfering, or in any manner tending to interfere with it, or any member thereof, in the making of laws, or exercising the law-making function with such deliberation as to insure wisdom and decorum, and to command respect.

And the governor is further respectfully requested to promptly furnish and transmit to said senate and house specific evidence and information of the occurrences referred to in his said special recommendations of March 17th, 1910, with dates and places thereof, to fully inform the General Assembly, and to enable it to provide against the evils therein referred to, to take prompt steps for the punishment of those offending, to remedy the wrongs specified therein by suitable legislation, and to proceed intelligently in the premises.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Adopted March 24th, 1910.

24.

[House Joint Resolution No. 20.]

JOINT RESOLUTION

Providing for the appointment of a committee to investigate the conditions at the Girls' Industrial Home.

WHEREAS, Owing to the rapid increase in the number of inmates at the girls' industrial home, especially of those of an older and more depraved class, which may make it desirable to separate those of a profligate or corrupt character from the younger and more innocent; and also owing, to some extent, to other causes, it has become necessary that action should be taken either to increase the number of buildings, and other facilities for instruction and correction, at the present site of that institution, or to provide elsewhere, a house of detention or reformatory for young women and girls who are incorrigible or debased, and those whose example is contaminating to other inmates; therefore

Be it resolved by the General Assembly of the State of Ohio:

That a joint committee, consisting of three members on the part of the senate, and three members on the part of the house be appointed by the president of the senate and speaker of the house, to investigate conditions at the girls' industrial home. Be it further

Resolved, That said committee be and is hereby authorized to meet at such times and places as it deems proper, and to incur such expenses as it may deem necessary for the purpose of making a thorough and complete investigation, and for suggesting legislation relating to the management, discipline and employment of its inmates, and the advisability of providing a building or buildings at the home, or elsewhere, for

a reformatory, or house of detention for young women and girls, in order to separate the younger or innocent girls from the older, or those of a corrupt and profligate character. Be it further

Resolved, That said committee shall file its report of findings, recommendations and suggested legislation with the governor of Ohio on or before the fifteenth day of November, 1910. The governor shall transmit such report to the first session of the 79th general assembly.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Adopted April 7th, 1910.

25.

[House Joint Resolution No. 28.]

JOINT RESOLUTION

Requesting congress to support H. R. 13425, providing for the granting of pensions to soldiers confined in confederate prisons.

WHEREAS, A bill is now pending in congress providing for the granting of pensions to soldiers confined in Confederate prisons, between the 25th day of May, 1861, and the 1st day of May, 1865,

Be it resolved by the General Assembly of the State of Ohio:

That the congress of the United States is hereby urgently requested to adopt H. R. No. 13425 at the earliest date possible, and that the congressmen and senators from Ohio be furnished with a copy of this joint resolution, and urged to use their best endeavors to secure the passage of said resolution.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Adopted April 7th, 1910.

26.

[Joint Resolution No. 23.]

JOINT RESOLUTION

Be it resolved by the General Assembly of the State of Ohio:

That there be printed for the use of the general assembly, under the direction of the clerk of the senate and the clerk of the house of representatives, 500 copies of the report of the joint select committee appointed under senate joint resolution No. 11, to investigate the condition of the canals, and alleged encroachments upon canal lands by individuals, partnerships and corporations.

GRANVILLE W. MOONEY,

Speaker of the House of Representatives.

FRANCIS W. TREADWAY,

President of the Senate.

Adopted April 26th, 1910.

27.

[Joint Resolution No. 16.]

JOINT RESOLUTION

Authorizing the appointment of a commission to investigate the responsibility of the state for the treatment of those addicted to the use of narcotics, drugs and stimulants.

Be it resolved by the General Assembly of the State of Ohio:

That the governor is hereby authorized and directed to appoint a commission of not more than five (5) persons, at least two (2) of whom shall be practicing physicians, and a majority of whom shall be experts in the matter herein referred to, with full power to investigate the various means and methods for the treatment of persons who are addicted to the use of narcotics, drugs and stimulants, and are themselves helpless to resist the craving and appetite for such narcotics and stimulants; to consider the responsibility of the state for the care and treatment of such persons as a protection both to themselves and to society, and especially when charged with crimes or misdemeanors, or cruelty to or neglect of their families and those dependent upon them for maintenance and support; and to report their conclusions and recommendations to the governor for transmission to the general assembly on the first day of the next regular session.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Adopted April 26th, 1910.

28.

[House Joint Resolution No. 34.]

JOINT RESOLUTION

Providing for the printing of five hundred copies of the report of the joint select committee on the investigation of the high cost of living.

Be it resolved by the General Assembly of the State of Ohio:

That there be printed for the use of the general assembly under the direction of the clerk of the senate and clerk of the house of representatives, five hundred copies of the report of the joint select committee appointed under senate joint resolution No. 7 to investigate the high cost of living.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Adopted April 27th, 1910.

29.

[House Joint Resolution No. 33.]

JOINT RESOLUTION

Relating to adjournment sine die.

Be it resolved by the General Assembly of the State of Ohio:

That when the senate and house of representatives adjourn April 30th, 1910, it be to meet May 10th, 1910, at 10 o'clock A. M.; and that the 78th general assembly adjourn sine die on May 10th, 1910, at 4 o'clock P. M.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.
 30.

Adopted April 30th, 1910.

[House Joint Resolution No. 36.]

JOINT RESOLUTION

Relative to the distribution of highway maps of Ohio.

WHEREAS, Appropriation has been made for the publication of a highway map of Ohio, therefore

Be it resolved by the General Assembly of the State of Ohio:

That when said highway maps showing improvements in color are delivered to the secretary of state he shall transmit to each member of the 78th general assembly and the president of the senate two copies of said maps; to the clerk and sergeant-at-arms of the senate; and to the clerk and sergeant-at-arms of the house of representatives, and to each legislative correspondent (thirty-six), one copy.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.
 31.

Adopted May 10th, 1910.

[Senate Joint Resolution No. 31.]

JOINT RESOLUTION

Fixing the order of business of the two houses for the session of May 10, 1910.

• *Be it resolved by the General Assembly of the State of Ohio:*

That at the session of the two houses on Tuesday, May 10th, 1910, no business shall be considered by either house except as follows:

First. Reports of committees of conference.

Second. Concurrence in amendments made by either house to bills or joint resolutions passed or adopted by the other.

Third. Senate or house resolutions.

Fourth. Signing of bills and joint resolutions passed by both houses.

Fifth. Joint resolutions relating to the business of the day.

Sixth. Bills, appropriating money, that may have been made a special order for the day.

Seventh. Bills, or items in appropriation bills, vetoed by the governor.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Adopted May 10th, 1910.

32.

[Senate Joint Resolution No. 30.]

JOINT RESOLUTION

Authorizing the clerk of the senate and the clerk of the house of representatives to have printed 500 additional copies of the report of the joint select committee appointed under S. J. R. No. 7.

Be it resolved by the General Assembly of the State of Ohio:

That in addition to the five hundred copies already printed of the report of the joint select committee, appointed under S. J. R. No. 7, the clerk of the senate and the clerk of the house of representatives are hereby directed to have printed in pamphlet form five hundred copies.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Adopted May 10th, 1910.

33.

[Senate Joint Resolution No. 24.]

JOINT RESOLUTION

Relative to instructing the joint committee appointed under H. J. R. No. 20, to consider the advisability of rebuilding the women's department in the Ohio penitentiary.

WHEREAS, The general assembly has provided for a committee to investigate the conditions of the girls' industrial home and also to consider the advisability of the establishment of a reformatory for young women; and

WHEREAS, The capacity of the proposed rebuilt women's department at the Ohio penitentiary will be difficult to ascertain until the advisability of the establishment of a reformatory for women is finally determined; therefore

Be it resolved by the General Assembly of the State of Ohio:

That the joint committee appointed under the provisions of house joint resolution No. 20 be instructed to consider the future policy in

regard to the rebuilding of the women's department of the Ohio penitentiary; whether it shall be in connection with the Ohio penitentiary or the proposed reformatory for women, in case such an institution is established.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Adopted May 10th, 1910.

34.

[House Joint Resolution No. 37.]

JOINT RESOLUTION

Providing for the purchase and distribution of 600 copies of the index volume of the General Code.

Be it resolved by the General Assembly of the State of Ohio:

That the president of the senate and the speaker of the house are hereby instructed to purchase at a price which they may regard as reasonable 600 copies of the index volume of the General Code, to be distributed in the same manner as provided in senate joint resolution No. 15, for the distribution of the copies of enrolled senate bill No. 2.

Payment for said volumes shall be made in equal amounts from the contingent fund of the senate and the contingent fund of the house respectively, to be paid out upon vouchers properly signed by the officers of the respective houses.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
 FRANCIS W. TREADWAY,
President of the Senate.

Adopted May 10th, 1910.

35.

STATE OF OHIO,
OFFICE OF THE SECRETARY OF STATE.

I, CARMI A. THOMPSON, secretary of state of the state of Ohio, do hereby certify that the foregoing acts and joint resolutions were printed under and by the authority of the general assembly of said state, and that the same are true copies, copied from the original rolls on file in this office of the acts passed and the joint resolutions adopted by the seventy-eighth general assembly of the state of Ohio, at its regular session, begun January 3, 1910, and ended May 10, 1910, and held in the city of Columbus.

In testimony whereof, I have hereunto subscribed my name, and affixed my official seal, at Columbus, the 22nd day of June, A. D. 1910.

CARMI A. THOMPSON,
Secretary of State.

[Seal.]

TIMES FOR HOLDING THE CIRCUIT COURTS AND COURTS OF COMMON PLEAS IN OHIO IN 1910.

| Counties. | County Seats. | Circuit. | Circuit Courts. | District. | Sub-Division. | Courts of Common Pleas. |
|-----------------|----------------------|----------|-----------------|-----------|---------------|-------------------------|
| Adams..... | West Union..... | 4 | ..... | 1 | 1 | ..... |
| Allen..... | Lima..... | 4 | ..... | 1 | 1 | ..... |
| Ashland..... | Ashland..... | 4 | ..... | 1 | 1 | ..... |
| Ashtabula..... | Jefferson..... | 4 | ..... | 1 | 1 | ..... |
| Athens..... | Athens..... | 4 | ..... | 1 | 1 | ..... |
| Auglaize..... | Wapakoneta..... | 4 | ..... | 1 | 1 | ..... |
| Belmont..... | St. Clairsville..... | 4 | ..... | 1 | 1 | ..... |
| Brown..... | Georgetown..... | 4 | ..... | 1 | 1 | ..... |
| Butler..... | Hamilton..... | 4 | ..... | 1 | 1 | ..... |
| Carrion..... | Carrollton..... | 4 | ..... | 1 | 1 | ..... |
| Champaign..... | Urbana..... | 4 | ..... | 1 | 1 | ..... |
| Clark..... | Springfield..... | 4 | ..... | 1 | 1 | ..... |
| Clermont..... | Batavia..... | 4 | ..... | 1 | 1 | ..... |
| Clinton..... | Wilmington..... | 4 | ..... | 1 | 1 | ..... |
| Columbiana..... | Lisbon..... | 4 | ..... | 1 | 1 | ..... |
| Coshocton..... | Coshocton..... | 4 | ..... | 1 | 1 | ..... |
| Crawford..... | Bucyrus..... | 4 | ..... | 1 | 1 | ..... |
| Cuyahoga..... | Cleveland..... | 4 | ..... | 1 | 1 | ..... |
| Darke..... | Greenville..... | 4 | ..... | 1 | 1 | ..... |
| Defiance..... | Defiance..... | 4 | ..... | 1 | 1 | ..... |
| Delaware..... | Delaware..... | 4 | ..... | 1 | 1 | ..... |
| Erie..... | Sandusky..... | 4 | ..... | 1 | 1 | ..... |
| Fairfield..... | Lancaster..... | 4 | ..... | 1 | 1 | ..... |
| Fayette..... | Washington C. H..... | 4 | ..... | 1 | 1 | ..... |
| Franklin..... | Columbus..... | 4 | ..... | 1 | 1 | ..... |
| Fulton..... | Wauseon..... | 4 | ..... | 1 | 1 | ..... |
| Gallia..... | Gallopia..... | 4 | ..... | 1 | 1 | ..... |
| Geauga..... | Chardon..... | 4 | ..... | 1 | 1 | ..... |
| Greene..... | Kenia..... | 4 | ..... | 1 | 1 | ..... |
| Guernsey..... | Cambridge..... | 4 | ..... | 1 | 1 | ..... |
| Hamilton..... | Cincinnati..... | 4 | ..... | 1 | 1 | ..... |
| Hancock..... | Pickday..... | 4 | ..... | 1 | 1 | ..... |
| Hardin..... | Kenton..... | 4 | ..... | 1 | 1 | ..... |
| Harrison..... | Cadiz..... | 4 | ..... | 1 | 1 | ..... |
| Henry..... | Napoleon..... | 4 | ..... | 1 | 1 | ..... |
| HIGHLAND..... | Hillsboro..... | 4 | ..... | 1 | 1 | ..... |
| Hocking..... | Logan..... | 4 | ..... | 1 | 1 | ..... |
| Holmes..... | Millersburg..... | 4 | ..... | 1 | 1 | ..... |
| Huron..... | Norwalk..... | 4 | ..... | 1 | 1 | ..... |
| Jackson..... | Jackson..... | 4 | ..... | 1 | 1 | ..... |

TIMES FOR HOLDING THE CIRCUIT COURTS AND COURTS OF COMMON PLEAS IN OHIO IN 1910—Continued.

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| Lake..... | Palmsville..... | 7 | | | | |
| Lawrence..... | Ironton..... | 7 | | | | |
| Licking..... | Newark..... | 4 | | | | |
| Logan..... | Bellevue..... | 4 | | | | |
| Lorain..... | Elyria..... | 4 | | | | |
| Lucas..... | Toledo..... | 4 | ..... | ..... | ..... | ..... |
| Madison..... | London..... | 4 | ..... | ..... | ..... | ..... |
| Marion..... | Youngstown..... | 4 | ..... | ..... | ..... | ..... |
| Marion..... | Marion..... | 4 | ..... | ..... | ..... | ..... |
| Medina..... | Medina..... | 4 | ..... | ..... | ..... | ..... |
| Mercer..... | Pomeroy..... | 4 | ..... | ..... | ..... | ..... |
| Miami..... | Celina..... | 4 | ..... | ..... | ..... | ..... |
| Montgomery..... | Troy..... | 4 | ..... | ..... | ..... | ..... |
| Montgomery..... | Woodsfield..... | 4 | ..... | ..... | ..... | ..... |
| Morrow..... | Dayton..... | 4 | ..... | ..... | ..... | ..... |
| Morgan..... | McConnellsville..... | 4 | ..... | ..... | ..... | ..... |
| Muskingum..... | Mt. Gilead..... | 4 | ..... | ..... | ..... | ..... |
| Noble..... | Zanesville..... | 4 | ..... | ..... | ..... | ..... |
| Ottawa..... | Caldwell..... | 4 | ..... | ..... | ..... | ..... |
| Paulding..... | Port Clinton..... | 4 | ..... | ..... | ..... | ..... |
| Perry..... | Paulding..... | 4 | ..... | ..... | ..... | ..... |
| Pickaway..... | New Lexington..... | 4 | ..... | ..... | ..... | ..... |
| Pike..... | Circleville..... | 4 | ..... | ..... | ..... | ..... |
| Portage..... | Waverly..... | 4 | ..... | ..... | ..... | ..... |
| Preble..... | Ravenna..... | 4 | ..... | ..... | ..... | ..... |
| Putnam..... | Eaton..... | 4 | ..... | ..... | ..... | ..... |
| Richland..... | Ottawa..... | 4 | ..... | ..... | ..... | ..... |
| Ross..... | Mansfield..... | 4 | ..... | ..... | ..... | ..... |
| Sandusky..... | Chillicothe..... | 4 | ..... | ..... | ..... | ..... |
| Scioto..... | Fremont..... | 4 | ..... | ..... | ..... | ..... |
| Seneca..... | Portsmouth..... | 4 | ..... | ..... | ..... | ..... |
| Shelby..... | Tiffin..... | 4 | ..... | ..... | ..... | ..... |
| Stark..... | Sidney..... | 4 | ..... | ..... | ..... | ..... |
| Summit..... | Canton..... | 4 | ..... | ..... | ..... | ..... |
| Tuscarawas..... | Akron..... | 4 | ..... | ..... | ..... | ..... |
| Union..... | Warren..... | 4 | ..... | ..... | ..... | ..... |
| | New Philadelphia..... | 4 | ..... | ..... | ..... | ..... |
| | Marysville..... | 4 | ..... | ..... | ..... | ..... |

April 26, October 26,
April 26, November 21.

TIMES FOR HOLDING THE CIRCUIT COURTS AND COURTS OF COMMON PLEAS IN OHIO IN 1910—Continued.

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| Warren..... | Lebanon..... | 4 | | 8 | | |
| Washington..... | Marlette..... | 4 | | 2 | | |
| Wayne..... | Wooster..... | 4 | | 3 | | |
| Williams..... | Bryan..... | 6 | | 10 | | |
| Wood..... | Bowling Green..... | 6 | | 10 | | |
| Wyandot..... | Upper Sandusky..... | 6 | | 10 | | |

THE STATE OF OHIO, }
 Office of the Secretary of State.

weby certify
 rcult Courts
 in the year,
 this office.

State.

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